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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 1, JANUARY 6, 1939

Government Broadcasting Again Proposed

The broadcasting industry again faces a fight to keep the Federal Government out of the broadcasting business.

Although Congress last year killed four bills calling for erection of Government stations, the NAB has received notice that the author of at least one of these bills expects to reintroduce it during the session of Congress which started Tuesday.

Representative Celler (D-NY), author of a bill calling for establishment of a huge station in the Panama Canal Zone, said in the Congressional Record of January 3 that the State Department was encouraging him to reintroduce this measure.

In urging the enactment of his bill, Mr. Celler argues that a Government station is needed "to counteract and checkmate the vicious and ruthless German propaganda by radio and short wave pouring into all South American countries". The ostensible purpose of all four bills introduced last year was to counteract Nazi and Fascist propaganda.

Once the Government got into the broadcasting business, however, it would not be very long until the Federal stations were being used for far different purposes than that for which they originally were intended.

The NAB feels that establishment of a single Government station would be a long step toward complete Government ownership of the industry. The NAB will oppose the Celler bill, and all similar bills, with all its strength.

Only two other bills affecting broadcasting were introduced in the opening days of the new session. Representative Maloney (D-La), would require personal endorsements of products advertised on the air to be accompanied by statements that the endorsements were paid for. Representative Culkin (D-NY), would ban radio advertising of alcoholic beverages.

The Federal Communications Commission told Congress, in its annual report, that it had in mind only two pieces of legislation at the moment. One of these would give the Commission power to regulate the use of apparatus which utilizes radio frequency electric currents. The other would reduce the penalties for operation of radio equipment by unlicensed persons of school age. The penalties now are so stiff, the Commission said, that it is next to impossible to enforce regulations.

The Commission also urged Congress to give them funds for a larger personnel and review the reorganization of its administrative setup. The latter, the Commission said, was nearly complete.

Meantime the Commission's monopoly hearings were resumed after the holiday recess,

(Continued on page 3186)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

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GOVERNMENT BROADCASTING AGAIN PROPOSED

(Continued from page 3185)

with NBC officials still on the stand. The Commission expected to complete testimony about NBC this week. Columbia is to follow.

Mr. Celler's promise to reintroduce his Government station bill was included in a long blast at the Nazis. At another point he said that the FCC "shall be encouraged by all means in its determination to support stations which refuse to allow their facilities to be used by those—enthusiastically misguided—to stir up race animosities and religious strife."

"There is not involved any violation of the right of freedom of speech," Mr. Celler added. "The late Justice Oliver Wendell Holmes once considered a similar situation and stated that free speech never gives the right to any man to yell 'fire' in a crowded theater."

NAB IN NEW HOME

The NAB Headquarters is now on the ninth floor of the new Normandy Building, 1626 K Street, N.W., Washington, D. C.—just two blocks north of the White House.

The staff spent the holiday weekend moving from the National Press Building, and are now ready for visitors in the new quarters.

The phone number remains unchanged, NAtional 2080.

MONOPOLY HEARING

Children's programs, liquor advertising and NBC profits were discussed at the FCC monopoly hearing January 4, resumed after a holiday recess. NBC officials are slated to conclude their testimony this week, with CBS scheduled to take the stand next week.

JANUARY 4

The National Broadcasting Company henceforth will not accept on its networks any advertising for beer or light wines, Lenox R. Lohr, NBC President, stated. Mr. Lohr explained that the new regulation is an extension of the company's long standing ban against liquor advertising.

The NBC president was preceded on the stand by Mark Woods, Vice President and Treasurer of NBC, who explained the company's finances since it was organized in 1926. Mr. Lohr had not completed his testimony when the hearing recessed until tomorrow morning at 10:00 o'clock.

The company's liquor policy in the past has meant the barring of considerable potential revenue, Mr. Lohr stated, but said that it was felt to be in the public interest to prohibit it.

Discussing policies toward advertising continuity, Mr. Lohr explained that general policies are laid down by the NBC Advisory Council, and supplemented in the company by details based on experience. Questioned by Chairman Frank R. McNinch of the Commission as to the extent to which NBC controls advertising copy, Mr. Lohr stated that NBC has complete and final authority as to what it broadcasts, and feels that responsibility is NBC's alone.

NBC's policies along these lines are now being set down in detailed written form, he continued, and after discussion will be distributed to all advertisers and agencies.

Concerning children's programs, Mr. Lohr said that, speaking as the father of five children as well as a broadcaster, he felt that the general quality of NBC's children's programs is satisfactory, and that comparatively few complaints about them are received.

Time is not sold for religious programs, he said, or to groups advocating particular theories or philosophies, because it is felt that the power of radio is so great that it would permit the richest of such groups to "sell" their particular beliefs to the public. NBC's religious programs, he said, are conducted under the auspices of the three great faiths in this country and are designed to have a general rather than a denominational religious appeal.

Under NBC's policy, he said, time is given for discussion of controversial subjects of general interest, and if issue is taken with such talks, representatives of the opposing viewpoint are given opportunity to reply.

Mr. Lohr stated that as far as the entertainment programs are concerned, he could see no reason why they all should not be sponsored, but that he felt that perhaps 15 to 25 percent of the programs were of a nature that would not benefit from commercial sponsorship.

In opening his testimony, Mr. Lohr explained that it is his duty to see that "policies of the company, in all of its operations, are so arranged as to best serve the company." The better service the company gives the public, he went on, the better it serves its own future.

Questioned by Philip J. Hennessey, Jr., NBC Counsel, concerning testimony by previous witnesses that the number of NBC-affiliated stations had grown from about 90 to 166 in the three years he has been president, Mr. Lohr stated this increase was a result of a study he had made. This study convinced him, he said, that such expansion would render greater service to listeners because it would enable NBC to make available to listeners in all parts of the country the programs on both its Blue and Red networks, that it would render greater service to advertisers by enabling them to have stations broadcasting their programs more nearly in accordance with their marketing needs and that it would benefit NBC by giving it more to sell.

Mr. Lohr explained that it is not his conception of public service to limit such programs as the Toscanini concerts to a few stations when the larger networks such as have been established by NBC can carry those concerts to all parts of the country thereby serving millions more listeners.

The policy of signing five-year contracts to supply program service to affiliated stations, Mr. Lohr stated, was another he had introduced. Radio's chief asset is service in the form of programs, he stated, and to operate successfully, it must set up a long-time plan of service, calling for some assurance of available facilities and revenue. Advertisers, he pointed out, would not be willing to use radio for advertising purposes if they could not be assured that the facilities they desired would be available.

Questioned as to whether he believed the listening public benefits from the fact NBC maintains an Artists Service Bureau, Mr. Lohr stated that he felt that such artist management had definite public benefits. The presence in the company of management experts enables NBC to discover and develop many young artists, he declared, and the facilities and opportunities of radio enable these young artists to attain success much more rapidly than would be the case otherwise. Artists experienced in other fields also benefit from such management, he continued, because radio technique is unique, and without proper guidance even established concert artists might not be a success on the air.

Asked whether he felt it was advisable for NBC to have two networks, Mr. Lohr stated he did for the reason that the radio audience has a variety of tastes, and that when one NBC network is serving one section of the audience, the other network can serve an entirely different section. Similar service by other competitive networks, he declared, satisfied still other groups, thus assuring the public of the maximum possible service.

In describing the finances of the company, Mr. Woods, who preceded Mr. Lohr on the stand, indicated that NBC had made a profit every year since it was founded in November, 1926, except for the period up to December, 1927. Income, it was shown, is derived at present from three sources—time sales, talent bookings, and house orchestra and other miscellaneous sources.

Over the entire lifetime of the company through 1937, the exhibits showed, NBC had expended $263,519,451.30 of an income of $282,404,984, leaving a net operating profit for the period of $18,885,532.70, or 6.69 percent.

The National Broadcasting Company has outstanding 33,000 shares of stock, Woods testified. These originally were held by the Radio Corporation of America, General Electric Company and Westinghouse Electric and Manufacturing Company on a 50-30-20 percent basis, but since 1930 have been entirely held by the Radio Corporation.

Of NBC's net operating revenue, another exhibit showed $11,400,000 has been paid in dividends; there has accumulated a surplus of $2,440,436.37 and the balance of the $18,885,532.70 has been used against other non-operating expenses, such as a reserve for losses on investments and contingencies.

Depreciation charges, Mr. Woods explained, have recently been adjusted in the light of experience with the life of particular types of radio equipment, the present schedule calling for complete replacement within periods ranging from four to ten years.

Certain of NBC's expenses rise as income drops, Mr. Woods brought out, due to the fact that when commercial programs go off the air they must be replaced by NBC at its own expense, but as income drops so do certain other expenses, such as the payment of agency commissions, payments to stations, and payments to talent at commercial rates, so that over the years income and expenses have maintained a close relationship.

RADIO BILLS

A bill was introduced in the House on Tuesday by Representative Maloney (D-La). The bill (H. R. 94) requires that personal indorsement of articles by radio be accompanied by statement that the indorsement is paid for. The bill was referred to the House Committee on Interstate and Foreign Commerce, Representative Lea (D-Cal), chairman.

Representative Culkin (D-NY) introduced three bills (H. R. 251, 252 and 924) to ban radio advertising of alcoholic beverages. These bills were referred to the House Committee on Interstate and Foreign Commerce and are identical with the bills introduced by Mr. Culkin at the last session of Congress.

FREE OFFERS

The "Espirit de Charme" Company, Hollywood, Calif., has asked at least one member to advertise beauty products "blended for the stars of Hollywood" on a commission basis.

Gussow, Kahn and Company, New York, is offering three transcriptions advertising Arco ice skates "to test the pulling power of your station."

The Selviair Broadcasting System, Inc., Chicago, has asked stations to help sell photo enlargements on a commission basis.

The NAB has notified these three firms that acceptance of their propositions would constitute violation of NAB's code of ethics.

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TELEVISION APPLICATION GOES TO SPECIAL FCC COMMITTEE

An application of the Milwaukee Journal Company to the Federal Communications Commission to inaugurate an experimental television service to the public, and a proposal for television transmission standards, were referred Tuesday to a committee of three commissioners for study and recommendation to the Commission.

The commmittee is composed of Commissioners Craven, Brown and Case.

The Journal Company's application, the FCC said, was the first application looking to establishment of an experimental program service for reception in the home as distinguished from fundamental research or technical experimentation in the art of developing television apparatus. The Commission has previously issued a number of licenses for technical experimentation only.

The proposed standards for television transmission were recommended to the Commission recently by the Radio Manufacturers Association. The Commission has taken no action upon the recommendation. Some manufacturers and experimenters have expressed opposition to the promulgation of standards.

ORDER IN BROOKLYN CASES

The Federal Communications Commission on Tuesday issued the following order in the so-called Brooklyn cases:

1. That the motion of the Voice of Brooklyn, Inc. (WLTH), Docket 1967, and the United States Broadcasting Corporation (WARD), Docket 2039, to strike the proposed findings of fact on behalf of the Brooklyn Broadcasting Corporation (WBBC), Docket No. 1882, Be, and it is hereby denied;

2. That the time of the Voice of Brooklyn, Inc. (WLTH), Docket No. 1967, and the United States Broadcasting Corporation (WARD), Docket 2039, for the filing of answering briefs to said proposed findings of fact by the Brooklyn Broadcasting Corporation (WBBC), Docket No. 1882, Be, and it is hereby, Extended for a period of ten days from the effective date of this order;

3. That the time for the filing of a reply brief by the Brooklyn Broadcasting Corporation (WBBC), Docket 1882, Be, and it is hereby extended for a period of twenty days from the effective date of this order.

Order to become effective January 4, 1939.

The Commission having under consideration its Order dated December 5, 1938, in re Docket 4029 (WMBQ), Docket No. 4050 (WMBQ), Docket No. 3941 (Lillian E. Keifer), Docket 4302 (WWRL), Docket 4331 (Paul J. Gollhofer), and Docket No. 4622 (WCNW), and the Commission considering the fact that said Order removed from the air the only station operating in the Brooklyn metropolitan area on the assignment previously utilized by Station WMBQ;

The effective date of provision 3 of its Order of December 5, 1938, cancelling the modification of license mailed on June 16, 1938, to the Long Island Broadcasting Corporation, will be EXTENDED thirty days from January 5, 1939.

FCC MOTIONS DOCKET

The FCC announced this week that its newly established Motions Docket procedure, set up under the New Rules of Practice and Procedure, which became effective January 1, would be inaugurated on Friday, January 6, at 10:00 a. m.

Thereafter a Motions Docket will be called at 10:00 a. m. on Friday of each week.

Under the old rules most of the motions and petitions were handled by a Commissioner without hearing the parties and without specific and uniform provision for the filing of opposition, although opposition was considered when it was offered.

Under the new plan the Commissioner designated to the Motions Docket will study the motions and petitions and will also hear the parties at an open hearing. Full provision has been made for notice and opposition both through the filing of counter-motions and counter-petitions and through argument. A member of the Law Department will be present at hearings.

Commissioner Walker said: "I regard the establishment of this Docket as a decided improvement in the Commission's procedure for the reason that it gives parties the opportunity to be present and to be heard on the motions and other matters before action is taken thereon."

The Commissioner presiding will pass upon all motions, petitions, or matters in cases designated for formal hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission.

FCC SETS HEARING FOR WNYC APPLICATION

The Federal Communications Commission Tuesday set for hearing a petition of Mayor Fiorello H. LaGuardia, of New York City, in the matter of Station WNYC, municipally owned broadcast station of that city.

The Mayor petitioned the Commission to amend certain of its rules in order to permit the rebroadcasting of programs of high frequency and international broadcast stations, by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other government agencies, or other non-commercial non-profit-making organizations.

As now written the rules of the Commission do not prohibit the rebroadcasting of programs of high frequency broadcast stations but merely require the authority of the Commission for the rebroadcast. However, the rules do not permit regular broadcast stations to rebroadcast the programs of international broadcast stations located within the United States except where wire lines are not available to transmit the programs to regular broadcast stations.

The Mayor's petition also asked that the Commission amend its rules which prohibit high frequency and international broadcast stations which are in an experimental status, from making any charge, directly or indirectly, for the transmission of programs.

In setting the matter for hearing the Commission opened the way for a complete discussion of the subject.

EXAMINERS' REPORT

Broadcasting Station KROC, **Rochester, Minnesota,** operating on **1310 kilocycles,** 100 watts, 250 watts LS, unlimited time, applied to the Federal Communications Commission to change its frequency to **920 kilocycles,** 500 watts, 1000 watts LS, unlimited time to use a directional antenna at night. Also the South Nebraska Broadcasting Company applied to the Commission for a construction permit to erect a new station at **Hastings, Nebraska,** to use **920 kilocycles,** 1000 watts, 5000 watts LS, unlimited time, using a directional antenna day and night.

Examiner P. W. Seward, in Report No. I-757, recommended that both of these applications be denied. In the case of KROC, the Examiner found that a need was not shown for the additional service in the area proposed to be served and he also found that operating KROC as proposed would cause interference with some stations at night. When hearing was called, the South Nebraska Broadcasting Company, asking for construction permit, did not appear or offer evidence in support of its application and, therefore, the Examiner recommended that the application be denied as in default.

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Station WAIR, **Winston-Salem, North Carolina,** to authorize the unlimited time use of **1250 kilocycles** with 250 watts in lieu of the present daytime hours of operation.

The Commission in its decision stated that the granting of the application would result in objectionable interference to existing broadcasting stations. Also it was stated by the Commission that the need of nighttime broadcast service in the Winston-Salem area is not sufficient to warrant the granting of the application.

Commissioner Payne did not participate in this decision.

William F. Huffman applied to the Commission to establish a new broadcast station at **Wisconsin Rapids,**

Wisconsin, to operate on **580 kilocycles,** 250 watts, unlimited time with a directional antenna at night.

The Commission in its decision denied the application on the ground that it will not serve public interest. In connection with this denial the Commission said: "The proposed station will be limited to its 4.3 millivolt per meter contour at night. The record herein fails to disclose such a public need as will justify the Commission in departing from its present allocation standards in order to grant this application."

Commissioner Payne did not participate in this decision.

The Commission has denied an application of WTAW, **College Station, Texas,** for a construction permit to move part of its equipment and increase its hours of operation from its present assignment of specific hours to daytime hours of operation on its frequency of **1120 kilocycles.** The Commission granted the application of KTBC, **Austin, Texas,** to make certain changes in part of its technical equipment and to operate with a vertical antenna in lieu of a directional antenna previously authorized by the Commission.

In the case of WTAW, the Commission found in its decision that the applicant failed to show that the type of commercial program to be broadcast in the event the application was granted to be materially different from the type of program now received in the area proposed to be served by WTAW. In the absence of a compelling need the Commission stated "the Commission is loath to grant an application of one station which would have the effect of removing another station from the air." In the case of KTBC, the Commission found that the proposed station met the engineering requirements of the Commission.

Commissioner Payne did not participate in these decisions.

FEDERAL COMMUNICATIONS Commission Docket

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, January 9. They are subject to change.

Monday, January 9

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Renewal of license, **1200 kc.,** 250 watts, daytime.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of license, **1200 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1200 kc.,** 250 watts, daytime.

Tuesday, January 10

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Modification of license, **1210 kc.,** 100 watts, unlimited time. Present assignment: **1210 kc.,** 100 watts, S.H. (WBAX).

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, daytime.

Wednesday, January 11

NEW—Sweetwater Radio, Inc., Sweetwater, Tex.—C. P., **1210 kc.,** 250 watts, daytime.

KTEM—Bell Broadcasting Company, Temple, Tex.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 250 watts, daytime.

WJAC—WJAC, Inc., Johnstown, Pa.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, shares WFBG.

Friday, January 13

WTHT—The Hartford Times, Inc., Hartford, Conn.—C. P., **1200 kc.,** 100 watts, 500 watts LS, unlimited time.

NEW—Charles Greenblatt, Bridgeport, Conn.—C. P., **1190 kc.,** 250 watts night, 250 watts day, limited time.

WPEN—Mariannina C. Iraci, Administratrix, Estate of John Iraci, Deceased, Transferor, and Arde Bulova, Transferee, Phliadelphia, Pa.—Transfer of control of corporation; **920 kc.,** 1 KW, unlimited time (DA at night).

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings. They are subject to change.

February 17

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

WBAX—John H. Stenger, Jr., Assignor, Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Voluntary assignment of license, **1210 kc.,** 100 watts, unlimited time.

February 24

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

February 27

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Company, Port Huron, Mich.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 250 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

February 28

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.,** 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.,** 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.,** 50 KW, unlimited time.

March 10

WDAN—Northwestern Publishing Co., Danville, Ill.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 250 watts, daytime.

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.,** 1 KW, unlimited time (DA at night).

March 24

KCMC—KCMC, Inc., Texarkana, Tex.—C. P., **1340 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS *Commission Action*

APPLICATIONS GRANTED

WHBY—WHBY, Inc., Green Bay, Wis.—Granted C. P. authorizing move of station from Green Bay to Appleton, Wis.; install new equipment and vertical radiator. Exact transmitter site and type of antenna to be determined with Commission's approval.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted 30-day special temporary authority to operate with 5 KW night, in order to overcome interference from Cuban station CMQ.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Application for C. P. for new station to operate on frequency **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—Application for C. P. to erect a new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WHDH—Matheson Radio Company, Inc., Boston, Mass.—Application for C. P. to install new equipment and directional antenna system, increase power from 1 KW to 5 KW, and time of operation from daytime only to unlimited time, employing directional antenna for night operation. (To be heard before the Commission.) (Application designated for hearing to determine if interference might result with existing stations.)

WNAC—The Yankee Network, Inc., Boston, Mass.—Application for modification of C. P., already in hearing docket, amended so as to request authority to install directional antenna system for nighttime operation, incresae night power from 1 KW to 5 KW, and extend commencement date from 6-24-36 to 30 days after grant, and completion date to 180 days thereafter. To be heard before the Commission. (Application designated for hearing to determine the need for additional service, and because interference might result with four existing stations.)

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Application for C. P., already in hearing docket, amended so as to request authority to move transmitter to N. 5th St. at Calhoun Sts., Fort Worth, and studio ot Trinity Life Bldg., Fort Worth; install new equipment and directional antenna system for nighttime use; change frequency from **1370 kc.** to **930 kc.**; and increase power from 100 watts night, 250 watts day, to 500 watts, unlimited time. (Application designated for hearing to determine the need for additional services, and because interference might result to three existing stations.)

MISCELLANEOUS

KUSD—University of South Dakota, Vermillion, S. Dak.—Present license further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than February 1, 1939.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted renewal of license for the regular period.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Granted renewal of license for the regular period.

W8XHV-W8XIG—The Evening News Assn., Portable-Mobile.—Present license for experimental relay broadcast station extended on a temporary basis for the period ending February 1, 1939, pending determination upon application for renewal.

W5XCL-W5XN—Tulsa Broadcasting Co., Inc., Portable-Mobile.—Present license for experimental relay broadcast station extended on a temporary basis for the period ending February 1, 1939, pending determination upon application for renewal.

W3XEL-W3XEM—WFIL Broadcasting Co., Portable-Mobile.—Present license for experimental relay broadcast station extended on a temporary basis for the period ending February 1, 1939, pending determination upon application for renewal.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted special temporary authority to operate from 10 p. m., CST, December 31, 1938, to 1 a. m., CST, January 1, 1939, in order to broadcast special New Year's program.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate from 6:15 p. m., CST, until completion of East-West football game (approximately 6:30 or 6:45 p. m., January 2).

WCLE—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted special temporary authority to operate from sunset at Cleveland (5:15 p. m., EST), until approximately 7 p. m., EST, on Monday, January 2, 1939, in order to carry the East-West All Star Charity Football Game from San Francisco.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted special temporary authority to remain silent for the period ending in no event longer than noon, January 4, 1939, for the Christmas holidays.

CKLW—Western Ontario Broadcasting Co., Ltd., Windsor, Ontario, Canada.—Denied special temporary authority to broadcast over radio station CKLW the inaugural services from Lansing, Mich., on January 2, program originating in Lansing.

WINS—Hearst Radio, Inc., New York City.—Denied special temporary authority to operate from local sunset (7:15 p. m., EST, January) to 7:30 p. m., EST, for the month of January, in order to rearrange its program so that a 15-minute news broadcast can be added to the schedule.

WAIR—C. G. Hill, Geo. D. Walker, and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from local sunset (January 5:30 p. m., EST) to conclusion of Rose Bowl football game (approximately 7:30 p. m., EST, January 2).

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 1 to 3 a. m., CST, January 1, in order to broadcast special Mutual New Year's Eve program.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted special temporary authority to operate during daytime hours with directional antenna for a period not to exceed ten days in order to check the performance of the directional antenna system that was rebuilt after the original antenna had been blown down.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted extension of special temporary authority to operate from 4:45 to 5 p. m., EST, on Sundays, January 1, 8, 15, 22 and 29, 1939, in order to carry Father Coughlin series of one-hour programs.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority ot operate from local sunset (January 5 p. m. and February 5:45 p. m., PST) to the conclusion of the University of Oregon basketball games, in no event later than 11 p. m., PST, on January 6 and 7, January 27 and 31, and February 1, 1939.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, January 3, 7, 1939, in order to broadcast basketball games of Purdue University.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of City High School basketball games (approximately 9:15 p. m., PST) on January 3, 4, 6, 7, 14, 17, 18, 20, 21, 23, 24 and 28, 1939.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted special temporary authority to use old transmitter (Type 1 C RCA) of station WEVD as auxiliary transmitter for a period not to exceed 30 days, pending receipt of and action on formal application for above authority, for emergency purposes only.

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Denied motion requesting that its application for modification of license to change hours of operation contingent upon the granting of application of WJAC to change its frequency be set for hearing on the same date as the WJAC application is scheduled, namely, January 11, 1939.

NEW—United Theatres, Inc., San Juan, P. R.—Granted petition to take depositions on January 23 for use in hearing scheduled for February 14 in re application for new station.

KGEK—Elmer G. Beehler, Sterling, Colo.—Denied as in case of default the application for C. P. to move studio and transmitter to Denver, Colo.

WJIM—Harold F. Gross, Lansing, Mich.—Granted request to dismiss without prejudice the application for C. P. to use **630 kc.**, 500 watts, 1 KW LS, unlimited time, which was heretofore set for hearing.

NEW—Edward Breen and Allen R. Loomis, II, Fort Dodge, Iowa.—Granted petition for leave to amend so as to substitute a corporation (Northwest Broadcasting Company) as applicant, and for further hearing.

NEW—Ex. Rep. 1-493: Abraham Plotkin, Chicago, Ill.—Denied as in default the application for C. P. to use **1570 kc.**, 1 KW, unlimited time, which was designated for hearing and applicant failed to appear and submit evidence in support of said application.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Retired to the closed files the application for C. P. requesting authority to increase power to 1 KW night, 5 KW day, and make changes in equipment, which was later modified and set for hearing and the case on November 28, 1938, was denied as in default.

WNEL—Juan Piza, San Juan, P. R.—Granted authority for orders to take depositions in re application for renewal of license, scheduled for hearing on February 13, 1939, order to be issued nunc pro tunc as of December 30, 1938.

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted authority for orders to take depositions in re application for renewal of license, scheduled for hearing on February 13, 1939, order to be issued nunc pro tunc as of December 30, 1938.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted motion for continuance of hearing from January 6 to February 14, in re application for voluntary assignment of license of WAGA to the Liberty Broadcasting Corp.

WINS—Hearst Radio, Inc., New York City.—Granted C. P. to install new equipment and make changes in vertical antenna.

WJHL—Johnson City Broadcasting Co., Johnson City, Tenn.—Granted license to cover C. P. authorizing new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—KMTR Radio Corp., Hollywood, Calif., Portable-Mobile. Granted license to cover C. P. for new experimental relay station, frequencies **88000, 103800, 200000** and **300000 kc.**, on an experimental basis only, conditionally; 2 watts power.

NEW—KMTR Radio Corp., Hollywood, Calif., Portable-Mobile. Granted C. P. for new station, frequencies **88000, 103800, 200000** and **300000 kc.**, on an experimental basis only, conditionally; 2 watts power.

NEW—KMTR Radio Corp., Hollywood, Calif., Portable-Mobile. Granted C. P. for new station, frequencies **31100, 34600, 37600, 40600 kc.**, 50 watts.

W2XAF—General Electric Co., Schenectady, N. Y.—Granted modification of C. P. extending completion date from November 28, 1938, to February 28, 1939.

W9XBS—National Broadcasting Corp., Chicago, Ill.—Granted modification of C. P. to make changes in equipment.

APPLICATIONS FILED AT FCC

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension of special experimental authorization to operate regular broadcast transmitter for transmission of facsimile signals from 1 a. m. to 6 a. m., for the period 2-1-39 to 8-1-39.

980 Kilocycles

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to install new equipment and change transmitter location to Middle Road, Indiana Twp., Penna.

1040 Kilocycles

WESG—Cornell University, Elmira, N. Y.—Extension of special experimental authorization to operate on **850 kc.**, daytime to sunset at New Orleans, La., 1 KW, for period 2-1-39 to 8-1-39.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authorization to operate simultaneously with KRLD, unlimited time, on **1040 kc.**, for the period 2-1-39 to 8-1-39.

1370 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—Construction permit to make changes in equipment and antenna, change frequency from **1370** to **630 kc.**, increase power from 100 watts night, 250 watts daytime to 1 KW and hours of operation from sharing with KONO to unlimited.

1400 Kilocycles

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—License to cover construction permit for move of auxiliary transmitter and increase in power of auxiliary to 1 KW, using directional antenna night.

1420 Kilocycles

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Authority to transfer control of corporation from the present stockholders of Community Broadcasting Corp. to Mrs. Hugh M. (Nancy) Curtler, 843 shares common stock.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of construction permit authorizing erection of new broadcast station requesting change in transmitter location to 101 W. Boardman St., Youngstown, Ohio, and antenna changes.

1500 Kilocycles

KPLT—North Texas Broadcasting Co., Paris, Texas.—Modification of license to change hours of operation from daytime to unlimited using 100 watts power night.

MISCELLANEOUS

W1XOK—The Yankee Network, Inc., Boston, Mass.—Construction permit for reinstatement of construction permit (B1-PRE-107) expired. (Relay broadcast—experimental.)

W1XRZ—Hildreth & Rogers Co., Portable-Mobile (area of Lawrence, Mass.).—License to cover construction permit (B1-PRE-189) for new relay station (experimental).

NEW—WOAX, Inc., Portable-Mobile (area of Trenton, N. J.).—Construction permit for a new portable-mobile relay broadcast station on **2790 kc.**, 50 watts power. Amended: Frequencies to read **1622, 2058, 2150, 2790 kc.**

NEW—Tampa Times Company, Portable-Mobile (area of Tampa, Fla.).—Construction permit for a new relay broadcast station on frequencies **1622, 2058, 2150** and **2790 kc.**, 40 watts power. Amended: Frequencies to read **1606, 2022, 2102, 2758 kc.**

National Broadcasting Co., Inc., New York, N. Y.—Authority to transmit programs to Station CMQ, Havana, Cuba.

FEDERAL TRADE Commission Action

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Alle-Rhume Remedy Co., Inc.—See Block Drug Company, Inc.

Block Drug Company, Inc.—Alleging dissemination of false advertisements concerning the therapeutic value of a medicinal or pharmaceutical preparation designated as Allenru, a complaint has been issued against two corporations located in Jersey City, N. J. The respondent companies are Alle-Rhume Remedy Company, Inc., manufacturer of the product, and Block Drug Company, Inc., the exclusive distributor.

Block Drug Company, Inc., it is alleged, owns and controls a considerable portion of the common stock of Alle-Rhume Remedy Company, Inc., and the affairs of both companies are controlled and directed by the same officers.

The complaint charges that the respondent companies falsely advertise that Allenru is guaranteed to remove the cause of sciatica, neuritis and lumbago; that its use will cause uric acid poisons to be eliminated in 24 hours and that pain, agony and inflammation will leave the body within 48 hours; that most of the aches, pains and lameness of rheumatism, sciatica, neuritis and rheumatic gout are caused and aggravated by excess uric acid and other circulating poisons, and that use of the preparation will swiftly stop the distress and agony caused by the conditions named when they are due to an excess of uric acid or other circulating poisons.

According to the complaint, Allenru is not a competent and an effective remedy for, nor will it cure or be of substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, or any other ailment, disease or condition, and it will not drive out the pain and agony caused by such ailments within 48 hours or in any other period of time. The complaint also alleges that excess uric acid and other circulating poisons do not cause, nor do they aggravate, most of the aches, pains and lameness resulting from rheumatism, sciatica, neuritis, and rheumatic gout.

The respondent companies' representation that Allenru is a safe, sensible, scientific formula free from harmful or pain deadening drugs is untrue, the complaint charges. (3678)

M. L. Clein & Company—Misrepresentation in the sale of cough and cold medicines is alleged in a complaint issued against M. L. Clein & Co., 219 Norris Bldg., Atlanta, and Max L. and Sadie B. Clein, the company's president and vice president.

Mentho-Mulsion, one of the respondents' products allegedly was advertised in newspapers, magazines and on the radio as being safe and as constituting a remedy or cure for every cough irrespective of the cause and as being capable of stopping cough spasms and relieving every cough regardless of its cause. (3674)

Gair Manufacturing Company—Frank E. Gairing, trading as Gair Manufacturing Company, 1446 Summerdale Avenue, Chicago, in the sale of wrist watches, distributes push cards bearing girls names, each of which conceals a number indicating the amount, ranging from 1¢ to 29¢, which the purchaser of a punch is to pay. The purchaser who selects a name corresponding to that beneath a master seal on the board receives a wrist watch, and the person who operates the card for the respondent receives a wrist watch or a cash award when all punches have been sold.

Literature and printed matter used by the respondent in the sale of his products features his trade name, Gair Manufacturing Company, by means of which he represents and implies that he is the manufacturer of the products sold by him, when such is not a fact. (3672)

Greening Nursery Company—Charging violation of the Federal Trade Commission Act in the sale of fruit trees and other nursery products, a complaint has been issued against Greening Nursery Company, Monroe, Mich.

In newspaper, periodical and circular advertising, the respondent company is alleged to represent directly and by implication that it is the world's largest grower of fruit trees; that its salesmen earn from $110 part time to $882 full time each month, and that the sale of its products is a non-competitive field which its agents and salesmen will have all to themselves, when such are not the facts.

The respondent company also is alleged to advertise that it has been propagating fruit trees by bud selection exclusively for 26 years and that its bud selection discovery is unduplicated in the nursery field, giving to fruit known performance characteristics which eliminate any chance or gamble on the part of growers, when such are not the facts. (3673)

Reid Packing Company—R. P. Reid, trading as Reid Packing Company, 320 South College Street, Charlotte, N. C., sells assortments which consist of salted peanuts packed in small, individual, sealed cartons which retail for 5 cents each. Sealed within a small number of the cartons are amounts of money in the sums of 5 cents, 10 cents, 25 cents, or $1, but the ultimate purchaser cannot ascertain which cartons contain such sums until a selection has been made and the carton broken open. Under such a sales plan, a purchaser who obtains one of the sums of money does so wholly by lot or chance. (3677)

D. A. Schulte, Inc., 384 Broadway, New York, supplies dealers with assortments consisting of boxes of candy and other articles of merchandise, together with a punch board bearing concealed numbers. Chances are sold for 5 cents and 10 cents each and purchasers obtaining certain specified numbers receive a box of candy or other item of merchandise. The punches on the board are arranged in 4 sections and the purchaser of the last punch in each of the sections, except the last, receives a box of candy. The purchaser of the last punch on the board is awarded an article of merchandise. The purchaser who does not qualify by punching one of the numbers calling for a prize receives nothing for his money other than the privilege of punching a number from the board. (3676)

Swamp and Dixie Laboratories, Inc., 301-311 Rogers Ave., Fort Smith, Ark., is charged in a complaint with dissemination of false advertisements of medicinal products in violation of the Federal Trade Commission Act.

Swamp Chill and Fever Tonic, one of the respondent's products sold to retail druggists, is alleged to have been advertised as a doctor's prescription and as a safe, certain and permanent cure for malaria and every kind of fever and ague, and as being capable of breaking up malaria in three days, when, according to the complaint, such are not the facts. (3680)

Wonder Wood-Tex Company—Alleging misrepresentation in the sale of wood pulp articles such as copies of statuary, a complaint has been issued against W. M. Jacobson, 308 East 51st St., Chicago, trading as Wonder Wood-Tex Company.

The respondent is alleged to have represented that articles to be shipped to retailers and gift shop operators would be similar to samples displayed, when in fact the products shipped were inferior to samples, and that resale prices at which prospective purchasers could sell the articles would be 50 to 100 per cent more than the prices at which the respondent offered them, when in fact such resale prices were required to be approximately the same as the prices the dealers paid the respondent for the articles. (3675)

Zendejas Products Corp.—Alleging misrepresentation in the sale of a medicine advertised in Spanish over the radio and in newspapers and periodicals, a complaint has been issued against Zendejas Products Corporation, 200 West 51st St., Los Angeles, and against J. Silva, secretary and manager of the corporation, who also trades as Zendejas Products Company.

Zendejas Medicine, it is alleged, is represented as containing well-known curative qualities of many plants, barks and roots, and as helping to purify the blood, regulate its circulation and prevent blood clots. This medicine, it is also alleged, is advertised as a cure or remedy for ailments for which an iodized medicine could be prescribed, and as being of value in treating rheumatism, arthritis, and skin diseases.

The complaint alleges, however, that the respondents' representations are exaggerated and misleading, and that use of their false advertisements is likely to induce the purchase of medicinal preparations containing drugs. It is alleged that Zendejas Medicine contains drugs the indiscriminate sale of which is dangerous. (3679)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

McCurrach Organization, Inc., Brooklyn, has been ordered to cease and desist from representing in advertisements or an labels that the neckties it manufactures and sells under the trade name "Kerry Poplin" are woven in Ireland.

According to findings, use of the word "Kerry," which is the name of a county in Ireland, in conjunction with the word "Poplin," a fabric woven by hand in Ireland for generations, and well known for its quality, has the tendency to cause purchasers to believe that the neckties so designated were woven in Ireland, when in fact they were machine-woven by the respondent company at its place of business in this country. The Commission found that the representation that the neckties were woven in Ireland was emphasized by the use in advertisement of pictures depicting Irish rural scenes and portraying characters of Irish nationality. (2598)

Pinaud, Inc., 220 East 21st St., New York, has been ordered to cease and desist from advertising that use of an eyelash cosmetic, designated Pinaud's Six-Twelve Creme de Mascara, will increase or promote the growth of eyelashes or cause eyelashes to be longer, heavier or of a silkier quality.

Findings are that the respondent company's representations as to the effectiveness of its preparation are exaggerated and false. (3420)

STIPULATIONS

The Commission has entered into the following stipulations:

Eastern Down-Feather Company—Trading as Eastern Down-Feather Company, Clarence F. Borton and Raymond Wherril, 2534 West Pico Boulevard, Los Angeles, have entered into a stipulation to discontinue false and misleading advertising in connection with the sale of quilts.

In advertising their products, the respondents agree to cease use of the statements "½ price sale," "save one-half" or of any other similar representation which directly asserts or clearly implies that the price at which such products are advertised and sold is only one-half of their customary retail selling price. According to the stipulation, the advertised "one-half" price was misleading in that it did not represent a 50 per cent saving on the price at which the quilts were usually and customarily sold. (2341)

Hartford Burial Case Company, Inc., 830 Maple Ave., Hartford, Conn., distributor of metal caskets and funeral supplies, agrees to cease publishing or using photographs, drawings or any pictorial representations of concrete or other types of burial vaults sold by competitors which vaults have been disinterred and are in evident bad condition, and to refrain from any and all comment, the effect of which calls or tends to direct attention to such condition. (2340)

Luber-Finer, Inc., 1119 South Hope St., Los Angeles, selling a device designated Luber-Finer, for use in the oil circulating system of internal combustion engines, agrees to cease representing that the product removes all causes of oil deterioration and furnishes new oil, and that it alone can control crank case acidity or meet the requirements for perfect lubrication. Other representations to be discontinued are that the device is the only oil refiner for motors, or that it starts where filters stop, unless it is made to appear that by the word "filter" is meant a device using fabric or fibrous filtering materials only. The respondent company also agrees to stop using the National Bureau of Standards' reports in advertising its product unless they are employed with no additional or inserted material such as interlining or comment. (02304)

Scovill Manufacturing Company, Waterbury, Conn., manufacturer of metal products, stipulates that it will cease and desist in trade promotional representations from use of the words "Scovill Gold" to designate products not made from gold, and from use of the word "gold," either independently or in connection with the word "Scovill" or with any other words, in a manner implying that its products are composed in whole or in part of gold, when such is not a fact. (2344)

L. B. Patterson, trading as Nu-Way Manufacturing Company, Des Moines, Iowa, in the sale of the Speed King Water Heater, stipulates that he will cease representing that this device, dropped into a vessel of water and plugged into any light socket, will give the user all the hot water wanted "in less time than it takes to whistle the chorus of a popular song," or that it provides the fastest way known of heating water. In his stipulation the respondent admits that, according to reliable scientific authority, the device does not afford the quickest known method of heating water, and will not heat it boiling hot in 60 seconds, or almost instantly. The respondent agrees to stop representing that salespersons or dealers will have an opportunity to earn any amount in excess of that made by regular salespersons under normal business conditions. (02296)

FCC Assignments For January

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF January
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Norman S. Case
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner T. A. M. Craven
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner George Henry Payne
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Eugene O. Sykes
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Thad H. Brown
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Paul A. Walker
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 2, JANUARY 13, 1939

NAB to Press FCC on Questionnaire

The NAB will continue its persistent efforts to get the Federal Communications Commission to simplify its latest questionnaire, concerning ownership and control of broadcasting stations.

Each member will be advised immediately of any change the Commission decides to make.

Meantime, it must be assumed that the questionnaire, sent out January 5, must be filed with the Commission on or before January 25.

Commission officials have advised the NAB that any station unable to answer any question completely should answer to the best of its ability, with notice that an amended answer would be filed as soon as necessary information could be obtained.

NAB staff members held several conferences with Commission officials this week, in an effort to obtain some simplification of the questionnaire. Many broadcasters have let it be known that they felt answering the questionnaire in its present form would be an unjust burden.

Consultation with some of the leading radio attorneys in Washington developed the opinion that stations should answer the questionnaire, but that requests for its simplification should be pressed.

On the legislative front, all was comparatively quiet. Senators Capper (R-Kan) and Johnson (D-Col) reintroduced their bills to ban liquor advertising on the air, while Senator Sheppard (D-Tex) reintroduced his bill to forbid employment of radio operators less than 21 years old. In California, bills to free broadcasters from responsibility for remarks of speakers on their stations were introduced in the state legislature, while in the New York Assembly, several bills to forbid broadcasts which would stir up racial or religious enmity were dumped into the hopper.

A seasoned Capitol observer in Washington predicted that little if any "secondary" legislation, such as radio legislation, had much of a chance at the present session of Congress.

Neville Miller, NAB President, will leave Monday night for a swing through the West that will carry him to district meetings in Denver, Portland, San Francisco, Los Angeles and Mineral Springs, Texas.

A joint committee from NAB and the Radio Manufacturers Association is pushing forward plans for the greatest program to promote the American System of Broadcasting

(Continued on page 3196)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

NAB TO PRESS FCC ON QUESTIONNAIRE

(Continued from page 3195)

ever devised so far. The committee this week adopted four fundamentals of the campaign, detailed in another part of the REPORTS.

MILLER TO ATTEND FIVE WESTERN DISTRICT MEETINGS

Plunging into the New Year with an intensive schedule of Association activities, President Neville Miller leaves Monday on an extensive swing-around-the-circuit to attend five NAB District Meetings at Denver, Portland, San Francisco, Los Angeles and Mineral Springs, Tex.

Districts, dates, and names of the Directors who will be in charge of the program are:

District 14—Denver, January 18, Eugene O'Fallon.
District 17—Portland, January 23, C. W. Myers.
District 15—San Francisco, January 25, Ralph R. Brunton.
District 16—Los Angeles, January 27, Donald W. Thornburgh.
District 13—Mineral Springs, Texas, February 2, O. L. Taylor.

In line with the policy adopted at the recent Board of Directors' meeting, meetings with the District NAB Sales Managers' groups will be held in conjunction with the regular full District Meetings. The following are chairmen of the NAB Districts:

District 13—Sam Bennett, KTAT, Forth Worth, Texas
District 14—Dan H. Vincent, KSL, Salt Lake City, Utah
District 15—As yet unnamed
District 16—Jack Gross, KEHE, Hollywood, California
District 17—W. Carey Jennings, KGW, Portland, Oregon

It is anticipated that the District Meetings will cover a full agenda of important industry problems. On schedule for discussion at all meetings are ASCAP, self-regulation of the industry; problem of controversial broadcasts, including religious and political broadcasts; copyright, phonograph records, status of the Bureau of Copyrights; Labor relations, Wage and Hour Law; industry relations with government: Congress, State and City; taxes; research, engineering, accounting, public relations, press-radio relations; NAB-RMA joint campaign; Federal Radio Education Committee; sales problems, free offers; and particular district problems.

While in Los Angeles on January 28, Mr. Miller will take part in a radio program over the Mutual Broadcasting System which will also present Frank R. McNinch, Chairman of the FCC, and Secretary of the Interior Harold L. Ickes. Mr. McNinch and Mr. Ickes will speak from Washington. (The program is scheduled for 5 P.M., Eastern Standard Time.)

In Dallas, Mr. Miller will address the Rotary Club on Wednesday, February 1. Ed Kirby, Director of Public Relations, will accompany Mr. Miller on the trip.

NAB, RMA ADOPT FUNDAMENTALS FOR JOINT CAMPAIGN

Adopting four fundamentals as the bases of the joint RMA-NAB industry-wide radio campaign, sub-committees met at Headquarters last week to complete details "to *use* radio, to *sell* radio".

These four fundamentals were regarded as basic to the all-radio campaign which will enlist the year-round co-operation of broadcasters, networks, manufacturers, distributors, and local retailers:

1. To increase the amount of listening.
2. To improve the quality of home reception.
3. To sell the excellence, variety and extent of American radio program service.
4. To sell the American System of Broadcasting and the contributions made thereto by the individual NAB stations.

Underlying the subcommittee's first planning session was the thought that increased listening and an increase in the number of radio sets ultimately showed up in the station rate card, and that on the other hand, a broader public appreciation of the variety and character of program service now being broadcast by radio stations ultimately created a demnad for more and better radio sets, a foundation of mutual beneficial interest was established.

Beyond these considerations, however, was the fact that a program of joint activity which would unite all elements within radio would operate in the more rapid advancement and best interests of the American System of Radio.

While details of the comprehensive campaign are now being pursued, the committee members agreed that it would be administered through the Public Relations Department of NAB for the time being.

For the purpose of organizing every community behind the campaign, NAB broadcasters will be asked to invite retailers and distributors in their areas to a meeting which will be held either in the station studios or at some other agreeable location. The local broadcaster will be asked to serve as chairman of this meeting, and to present the entire project.

Details of this presentation are in preparation. Broadcasters will be furnished not only with printed material outlining the campaign, but will also be furnished with a transcription record which will dramatize this great forward step in radio and bring messages from the presidents of the National Association of Broadcasters and of the Radio Manufacturers Association.

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It is anticipated that networks will contribute one program a week to the campaign. Transcriptions will be furnished non-network stations weekly. In addition, all stations will be enabled and encouraged to contribute their own programs, calculated to sell their own operations, as well as American radio generally.

Through factory cooperation, retailers will distribute NAB literature, such as "The ABC of Radio," in the eight million radio sets sold a year; will develop special window displays highlighting American radio program service and providing local stations with window-tie-up and program-schedule spotlights. Regularly scheduled newspaper and other advertising will be coordinated with the central themes of the campaign. Copy in the national advertising of manufacturers in all media will likewise be coordinated.

In order to clear up misunderstanding on the part of some retailers and broadcasters, the RMA is recommending to its advertising agencies that adequate provision be made in factory-dealer cooperative advertising for the inclusion of local radio.

Headquarters estimates the campaign will be ready for announcement about the third week in February.

Representing RMA were Bond Geddes, Executive Vice President; Sayre Ramsdell, Vice President, Philco; Frank Mullen, Director of Information, RCA. Neville Miller, President, and Ed Kirby, Director of Public Relations, represented NAB.

FREE OFFERS

Radio Program Associates, New York City, is offering a new "Doc Sellers True Stories" series, each containing a plug for True Story Magazine.

Each broadcaster receiving the offer might write to True Story magazine and suggest that he swap the quarter-hour program for a quarter-page station ad in True Story. If True Story agrees, the NAB will be very, very surprised.

The National Cooperative Milk Producers Federation, Washington, D. C., is asking for spot announcements asking listeners to buy more butter.

When the NAB informed Charles W. Holman, secretary of the Federation, that use of the announcements would constitute violation of the NAB Code of Ethics, Mr. Holman replied: "I'm not interested in your code of ethics!"

The American Institute of Baking, New York City, is offering script for women's programs, advising the ladies that they would hold their husbands' affections better if they kept slimmer by eating more bread. Breaded pork chops also are recommended.

Tom Fizdale, Inc., Chicago, is offering a radio star gossip script, plugging certain prominent performers.

The Panama Pacific Line, San Francisco, is offering "news" material for commentators, plugging the S.S. *Washington.*

The American Life and Accident Insurance Company, St. Louis, is offering a cost-per-injury proposition. The number of copies of the company's letters that has come to NAB indicates that the industry isn't interested.

BILLS INTRODUCED

Three bills were introduced this week in the Senate dealing with broadcasting.

One bill (S.517), introduced by Senator Johnson (D-Col) which would amend the Communications Act of 1934 "to prohibit the advertising of alcoholic beverages by radio".

Senator Sheppard (D-Tex) introduced S.550 which would amend the Radio Act by making it mandatory that a radio station operator be 21 years of age with an exception that the Federal Communications Commission could allow younger persons to become amateur radio operators.

S.575 was introduced by Senator Capper (R-Kan) dealing with alcoholic beverages in interstate commerce. A paragraph of the bill prohibits advertising of this commodity on broadcast stations.

All three of these bills are identical with bills introduced by the same members of the Senate at the last session of Congress and all have been referred to the Committee on Interstate Commerce.

ASKS LIQUOR AD BAN

W. S. Alexander, Administrator of the Federal Alcohol Administration Division of the Treasury, asked Congress in his annual report to ban radio liquor advertising.

MALONEY BILL

Representative Maloney (D-La), author of a bill to require personal endorsers on radio programs to state that they were paid for the endorsements, gave the NAB the following statement this week about his bill:

> There seems to be a growing tendency for persons who through achievement or other methods of gaining prominence and notoriety

to capitalize upon such by lending their voices, endorsing and recommending the use of various articles for the public, indicating and conveying by such endorsements the fact that they are qualified to so speak, whereas, in many instances these endorsers know very little of the articles they are recommending; they are simply selling their name for the endorsement thereby perpetrating a great imposition on the public. This form of advertising is not genuine and should be stopped.

While the practice is somewhat difficult to prevent, nevertheless, a requirement compelling them to state they are being paid for their statement on the air will act as a deterrent and be some measure of a protection to the public.

The Bill is not intended to affect those who are legitimately engaged in such undertakings, but it is directed at those who are making a racket out of this form of advertising that they are distinctly unqualified to perform. Some of the statements made by these endorsers we so frequently hear over the air and directed at the gullible are nothing short of being an insult to the intelligence of the average citizen.

CALIFORNIA BILLS WOULD EXEMPT RADIO FROM SLANDER LIABILITY

Two bills introduced at the current session of the California legislature by Mr. Tenney would absolve broadcasting stations from liability for slanderous statements made by speakers. A third would waive the necessity of posting bond in libel and slander actions.

In the New York legislature, Messrs. Ferril, Nunan and Coughlin have introduced bills to make it a misdemeanor to incite racial or religious hatred. Section Six of the bills says:

"Any person who shall from any station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, located within this state, broadcast or make audible to others, within this state, through any radio receiver set, device or equipment of any nature or kind, located within this state, in any language, any speech, declaration, statement or pronouncement which in any way incites, counsels, promotes or advocates hatred, violence or hostility against any group or groups of persons residing or being within this state, by reason of race, color, religion or manner of worship of such group or groups, shall be guilty of a misdemeanor; and the owner of any such station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, for the transmission of sound, who shall knowingly permit the same or any part thereof to be used for such purpose, shall be guilty of misdemeanor."

The bills would provide a minimum fine of $200 and a minimum jail sentence of 90 days for violation.

MONOPOLY HEARING

NBC concluded its testimony and CBS started its, at the FCC hearing on alleged monopoly in the broadcasting industry. The day-by-day story of the hearing:

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The fact that the number of radio channels and stations is limited curtails the right of any individual to utilize those facilities to expound his own particular beliefs or doctrines, Lexon R. Lohr, President of the National Broadcasting Company, declared. This implies, he continued, that use of such facilities must be designed to serve the public to the maximum possible extent, and the public is the millions of listeners rather than a speaker who would like to talk on the air.

However, Mr. Lohr stated, it is the belief and policy of the broadcasting industry that the public is served by talks on public affairs, and the networks therefore endeavor to present such talks by speakers representing varying points of view.

Discussing freedom of the air as against freedom of the press and freedom of speech, Mr. Lohr stated that it is his belief that any "right" that exists in radio broadcasting is the right of the public to good program service. If individuals speaking either as individuals or as representatives of groups were given a legal right that would compel broadcasters to grant their requests for time, he said that right would have to be extended to every individual. Lack of channels and stations to accommodate the volume of requests that would result would make any such compulsion practically impossible, he pointed out, adding that if the air were filled with talks the listening public would grow so tired of speeches it would turn off its receivers and that this result would cause the entire American system of broadcasting to disappear.

If radio broadcasting had existed at the time the Constitution was drawn, the NBC President said, it is his belief that the "freedom of the air," viewed from the standpoint of the public, might have been incorporated in the Bill of Rights.

Discussing the present and future status of television Mr. Lohr stated that technically television is now as satisfactory as home movies, and at a stage of development perhaps comparable to the automobile as it was in 1912 to 1914.

The availability of program material and the high cost of operation are the two main obstacles now facing television he declared. Producing a television program for one hour a day for a period of one year, he said, would cost about a million dollars a year—two hours of television a day about two million dollars per year. This cost at present makes it prohibitive for any broadcaster to schedule television shows with great frequency he pointed out.

Recalling that NBC will start about three hours of television programs a week beginning this spring, Mr. Lohr said that a staff of about 40 people would be required for these programs, and that if NBC attempted to produce more than three hours a week it would require the immediate additional expenditure of about three and a half million dollars for additional equipment.

How networking of television programs will work out is still a question, he declared, for similar reasons. He estimated that a coaxial cable to carry television programs from coast to coast would cost $100,000,000, with additional huge expenditures for television broadcasting stations along that line. Laboratory tests now being made indicate, however, that it may be possible to relay television programs by radio, thus bringing the cost down to a more reasonable basis, Mr. Lohr stated.

Opening his testimony, Mr. Lohr declared that it is necessary for a broadcasting company to earn a profit to insure that it will have funds at all times to meet emergency needs and provide for the best continuous service.

There is no conflict between this public service and the business interests of the company, he said, because the better the programs NBC broadcasts, the better it serves its listeners, and the better it is as an advertising medium.

Discussing the social aspects of broadcasting, Mr. Lohr said that radio is now entering the third stage of development. First, he explained, it was largely a novelty; second, it was primarily an entertainment medium; and now it is becoming a social force with powerful effect on public opinion. The welfare of the entire people is tied up with the use of this power he said. This is the reason, he declared, that NBC is careful within the limits of its policies to see that equal opportunity is given to all sides in discussions of important public questions. It also is the reason, he said, that broadcasters generally feel that they should not have any "edtiorial attitude" themselves on public questions.

Discussing so-called "educational" programs, Mr. Lohr stated that one great difficulty faced by broadcasters was the defining of what is educational. He introduced such a definition which was prepared for him by Dr. James Rowland Angell, former President of Yale and now Educational Counsellor for NBC. This reads as follows:

"Any program may be regarded as educational in purpose which attempts to increase knowledge, to stimulate thinking, to teach technique and method, to cultivate discernment, appreciation and taste, to enrich character by sensitizing emotions and inspiring socialized ideals that may issue in constructive conduct.

"Education is essentially the process by which individuals come to adjust themselves intelligently to life. Society has institutionalized much of this process in the form of schools, yet every event in a man's life exercises some educational effect upon him, and the relatively enduring moulds in which a given culture flourishes—its economic, social and political fabric—exert a constant and almost irresistible educational pressure. But we have extracted from all these meanings implicit in the term the notion of education as something which society or the individual consciously sets up to bring about the most valuable results in the life of each succeeding generation. It is at this point that radio comes into the picture."

Four types of educational programs were described by Mr. Lohr: 1. programs designed for use in schools, such as the NBC Music Appreciation Hour conducted by Dr. Walter Damrosch; 2. the National Farm and Home Hour type, serving the needs of a great body of citizens; 3. more general educational programs, "sugar coated with entertainment" and of high interest value, such as spelling bees and controversial discussions; and 4. programs of indirect educational benefit, such as religious programs.

Radio cannot do the work of schools, however, Mr. Lohr said, because formal education is not generally adaptable to broadcasting, inasmuch as radio programs must appeal to a wide audience.

"And it is too easy to 'cut' classes by turning the dial," he added.

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The degree of control exercised by the managers of Columbia's eight owned and one leased stations was the subject of considerable discussion at the first session of the hearing dealing with CBS.

Said Mefford Runyon, CBS Vice-President and principal witness of the day:

"We try, so far as possible, consistent with Columbia's general policy and with good network operation, to give our station managers in the various cities in which they operate, the same degree of freedom of choice which is enjoyed by an affiliated station operating purely as an affiliate of Columbia in that same city."

Previously, Frank Stanton, in charge of the CBS Research Division, had described the system's set-up, and had compared the size of CBS to the remainder of the broadcasting industry.

If a CBS-owned station manager thought he should supplant a network commercial with a local sustaining program, Mr. Runyon said, he consulted CBS headquarters, but the ultimate decision was up to the local manager.

Mr. Runyon testified that there were 1,724 full-time CBS employees at the end of 1937, and that 861 of these worked in New York City. The total payroll for these, he said, was $5,309,330. He also described at length the set-up of the CBS Artists Bureau, and offered extensive figures as to the amount of time sold at the various CBS stations.

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After Mr. Runyon concluded his testimony, Frank K. White, Treasurer, took the stand. He first described the financial set-up of the CBS and its subsidiary corporations, and outlined the financial history of the purchase of CBS stations.

ASCAP, FLORIDA AND WASHINGTON APPEALS ARGUED BEFORE SUPREME COURT

Appeals from the Florida and Washington decisions involving the anti-monopoly statutes of those states were argued before the United States Supreme Court January 10. Tyrus A. Norwood, Assistant Attorney General, and Lucien H. Boggs, of Jacksonville, Florida, argued the Florida appeal in behalf of the State. Alfred J. Schweppe, of Seattle, represented the State of Washington. ASCAP was represented by Thomas G. Haight of New York.

The question involved in both appeals was the jurisdiction of the Federal court. It was contended by both Florida and Washington attorneys that the Federal court was without jurisdiction, in that ASCAP had not shown the jurisdictional amount of three thousand dollars to be involved either with respect to the Society or with respect to the individual complainants.

The Florida appeal also involved the question of monopoly. Mr. Boggs contended that a court of equity ought not lend its aid in furtherance of the monopolistic practices disclosed by the record. Considerable interest on this feature was indicated by several members of the Court. Mr. Justice Black repeatedly questioned ASCAP's counsel with respect to price-fixing. ASCAP counsel defended such practices, arguing that they were necessary, and that the license fees were reasonable. Mr. Justice Butler, however, took occasion to comment that there was no such thing as a benevolent monopoly.

Both cases now are under consideration. Decisions by the Supreme Court normally are rendered within two months from the date of the argument.

CANADIAN PERFORMING RIGHTS SOCIETY LOSES FEE INCREASE

The Canadian Copyright Appeal Board has denied an increase of fees to be paid by broadcasting stations in Canada, for the right to perform copyrighted music of the Canadian Performing Rights Society, Ltd. (The ASCAP interest in Canada). Under the Canadian law the Performing Rights Society must file its tariff of fees on or before each November 1 with the Secretary of State at Ottawa, and objections to the tariff may be lodged by users with the Canadian Copyright Appeal Board. The formula for determining fees is on the basis of the number of radio sets, and this year the Performing Rights Society demanded fourteen cents per set, as against eight cents per set last year. The Performing Rights Society also demanded an additional sum of $36,370 from broadcasters under the provision of a recent amendment to the Canadian Copyright Act, which exempted owners of receiving sets operated in public places where no admission is charged from the payment of a public performance fee. The amendment provided that such fee, as far as practicable, should be collected from the broadcasting stations. The Appeal Board allowed only the sum of one thousand dollars to compensate for the loss of revenue from radio sets in public places, which sum is to be pro-rated amongst the more than eighty Canadian broadcasting stations.

WCAU WINS INJUNCTION

The Dauphin County (Pa.) Court has enjoined the Pennsylvania Public Utility Commission from enforcing a state law which, among other things, banned horse race broadcasts.

The injunction was granted to Station WCAU, Philadelphia, and 21 other Pennsylvania stations, pending determination of the constitutionality of the law. The law was aimed to stop bookmaking, but was so worded as to affect broadcasting.

ENGINEERING CONFERENCE

The NAB again reminds broadcast engineers of the second annual broadcast engineering conference to be held February 6-17 at Ohio State University, Columbus, Ohio.

The prospectus for the conference says, in part:

"The primary objective is to establish a common ground for discussion among leaders in the industry and operating engineers. With this in mind the lecturers and discussion leaders have been selected from representative organizations to present some of the more important present-day problems found in the broadcasting field.

"An effort is also being made to look into the future, as is indicated by the session devoted to television and facsimile.

"Of particular interest will be a panel discussion led by Mr. Ring on the FCC report, 'Standards of Good Engineering Practice'."

NAB DEVELOPING ADVERTISING BOOK FOR SALESMEN

In line with discussions with the NAB Sales Managers Committee, Headquarters is now developing a Standardized Visual Presentation of "Radio—The Advertising Medium".

This presentation will be brought up-to-date from time to time, and will be furnished commercial representatives of NAB stations, in loose-leaf form, with a stiff-back binder. The binder of convenient size, and with ready accessibility, will also be used to display other radio advertising material, calculated to be of direct help in the sale of local and spot business.

Blank pages would be furnished so that individual stations will have opportunity to adapt their own story in conjunction with the basic-industry story.

Suggestions as to character of material would be more than welcome at Headquarters.

"ABC" MOVING FAST

The first print order of "The ABC of Radio"—25,000 copies—is moving fast.

Broadcasters are requested to transmit their orders into Headquarters as speedily as possible, as the greater number we order on the second press run will result in savings all the way around.

Should substantial savings be effected as a result of the second press run, the savings will be fairly distributed to all stations who have previously ordered.

For the convenience of members who have not yet sent in orders, prices for the forty-eight page illustrated booklet are as follows:

20 copies.........@ 15¢ each ($ 3.00)
100 copies.........@ 12¢ each ($12.00)
200 copies or more @ 10¢ each

EDUCATION QUESTIONNAIRE

Mr. John W. Studebaker, United States Commissioner of Education, has indicated that some stations have failed to furnish him "a list of groups which have produced educational programs over the facilities of this station during the past six months". The Office of Education sent out the form for furnishing this information in September. The NAB suggests that those stations who have not done so, complete the form and return it to the Office of Education as soon as possible. Copies of the form may be obtained at the NAB headquarters or at the Office of Education, Washington, D. C.

TAX CALENDAR

Tax Returns and Wage Reports Under Federal Social Security Act

Date each Year	Title VIII	Title IX
On or before January 31.	File tax return and wage report for October, November, and December on Form SS-1a.	File tax return on Form 940. Payment in full at once, or first installment for taxpayers electing to pay quarterly.
On or before April 30.	File tax return and wage report for January, February, and March on Form SS-1a.	Second installment for taxpayers electing to pay quarterly.
On or before July 31.	File tax return and wage report for April, May, and June on Form SS-1a.	Third installment for taxpayers electing to pay quarterly.
On or before October 31.	File tax return and wage report for July, August, and September on Form SS-1a.	Fourth installment for taxpayers electing to pay quarterly.

WELLES QUESTIONNAIRE

Several stations have written in with reference to the questionnaire on the Orson Welles' "War of the Worlds" broadcast. The questionnaire was sent out by Dr. Hadley Cantril of the Princeton University Project. Dr. Cantril is Associate Director of the Princeton Radio Project financed by the Rockefeller Foundation for the Federal Radio Education Committee. The Princeton Project is making studies on various phases of audience reaction to radio. The NAB recommends that members complete Dr. Cantril's questionnaire and return it to him at his New York address.

DUES CLASSIFICATION BLANKS

The By-Laws of the National Association of Broadcasters provide that active members of the Association shall pay dues on receipts from the sale of time received during the previous calendar year.

In accordance with the By-Laws, on January 1 all NAB members were sent a dues classification blank which they were requested to execute and return to NAB headquarters.

Approximately one-third of the members have already executed and returned this statement. Those members which have not filed their statement are urged to do so at once. An additional copy of the classification blank may be obtained at headquarters should it be needed.

McNINCH STAYS AT FCC

President Roosevelt at his press conference this week was asked if Chairman Frank R. McNinch would stay at the FCC or go back to the Power Commission. Mr. Roosevelt said Mr. McNinch would stay where he was until further notice.

CASE NOMINATED

Norman S. Case, a member of the Federal Communications Commission since July 1, 1934, was renominated by President Roosevelt on Tuesday.

The new Communications Commission came into existence on July 1, 1934 at which time Governor Case was nominated for a four year period. His term expired on July 1, 1938 when he was given a recess appointment by the President. The nomination, sent to the Senate on Tuesday, is for a seven year period from July 1, 1938.

FCC TO GO TO CAPITOL FOR MORE FUNDS

It is expected that the Federal Communications Commission will appear before a subcommittee of the House Committee on Appropriations next week in connection with the appropriation for the fiscal year starting next July 1.

The Commission is asking Congress for an appropriation of $2,000,000 plus $25,000 for printing and binding and $13,175 for the Inland Waterway Radio Survey. This latter appropriation is only for a six months' period from July 1 to December 31, 1939. During the present year, the appropriation for the Commission is $1,700,000 with $25,000 for printing and binding and $20,000 for the Inland Waterway Survey.

The increased appropriation this year would take care of 53 additional employees for the Commission of which 47 would be in the Washington headquarters and 6 in the field offices, to include attorneys, engineers and clerks.

FCC TURNS DOWN ACA REQUEST FOR SURVEYS

The Joint Unemployment Council, American Communications Association (C.I.O.) recently asked the Federal Communications Commission that certain surveys be made in the broadcasting and communication industries. Insofar as broadcasting was concerned the Association asked that a survey be made of broadcast interference and that a second survey be made on broadcasting coverage. The Association also requested that a census of employment in the broadcast and general communications industries be made. In connection with this request the Commission, this week, has answered the Association as follows:

"The Commission has carefully considered your letter of October 21, 1938, in which you request that this Commission sponsor certain projects through the agency of the Works Progress Administration. You set forth therein the situation in regard to unemployed workers in the communication industry, which situation is the basis for your request.

"The Commission is in sympathy with any plan having for its objective the relief of the unemployed and would welcome the opportunity to do what it could in this respect within the scope of its means and authority. In view of the statement you make relative to the general unemployment situation in the Communication industry, it is assumed that your recommendations as to affording relief applied to all communication workers irrespective of union affiliations. You will appreciate, of course, that the Commission could consider projects only on that basis.

"A careful study has been made of your suggestions. Several of the projects which you list have merit. However, a detailed analysis indicates that the Commission is not justified at this time in sponsoring them because of the practical difficulties involved. Furthermore, conferences between representatives of the Commission and the Works Progress Administration developed the fact that the Works Progress Administration would not look with favor upon projects which involve a house-to-house canvass. In addition to these practical difficulties, the Commission is unable to assign the necessary supervisory and planning personnel as its staff is already overburdened with regular work. Also, the funds available from the Commission appropriation are insufficient to permit the purchase of necessary technical apparatus required to carry out the projects.

"The Commission will continue to study those projects which appear to have greatest merit and, if it is found that the difficulties and personnel and financial restrictions can be overcome, consideration will again be given to the practicability of carrying out such of these as may be within the scope of Commission activities."

EXAMINERS' REPORTS

Orville W. Lyerla applied to the Federal Communications Commission for a construction permit for a new station at **Herrin, Illinois,** to use **1310 kilocycles,** 100 watts, 250 watts LS, unlimited time. WEBQ, **Harrisburg, Illinois,** operating on **1210 kilocycles,** 100 watts, 250 watts LS, specified hours, asked to change its frequency to **1310 kilocycles,** unlimited time. KFVS, **Cape Girardeau, Missouri,** operating on **1210 kilocycles,** 100 watts, 250 watts LS, specified hours, applied for unlimited time.

Examiner P. W. Seward, in Report No. I-755, recommended that the application of Lyerla be granted, but that the applications of WEBQ and KFVS be denied. In the case of the Lyerla application the Examiner found that the evidence at the hearing showed a need for the service in the area proposed to be served, and he stated that the granting of the application is not expected to cause objectionable interference. In the case of Stations WEBQ and KFVS the Examiner stated that the applications could not be granted "within the purview of Section 307(b) of the Communications Act of 1934."

Broadcasting Station KTBS, **Shreveport, Louisiana,** applied to the Commission for a construction permit to change its operating assignment from **1450 kilocycles,** 1000 watts, unlimited time, to **620 kilocycles,** 1000 watts, 5000 watts LS, unlimited time.

Examiner Tyler Berry, in Report No. I-758, recommended that the application be granted. The Examiner found that while another station renders a service to a portion of the area proposed to be served, if the applicant is permitted to change its frequency and increase its daytime power, it will enable the station to enlarge and improve its service to the rural areas. While the Examiner found that the operation of the station as proposed would cause some slight interference, he did not consider it sufficient enough to deny the application.

Broadcasting Station WDEL, **Wilmington, Delaware,** applied for permission to increase its power from 500 watts to 1000 watts daytime, and to install new equipment. The station now operates on **1120 kilocycles,** unlimited time. It operates with 250 watts night.

Examiner John P. Bramhall, in Report No. I-759, recommended that the application be granted "conditioned upon compliance with the technical requirements of the Commission." It was found by the Examiner that a need for daytime service in the area proposed to be served "has been established." The Examiner also found that the granting of the application will not affect the economic interests of any existing station.

A Supplemental Report to Examiner's Report No. I-653 was issued this week. The McComb Broadcasting Corporation applied to the Commission for a construction permit for a new station at **McComb, Mississippi,** to use **1200 kilocycles,** 100 watts, daytime operation.

Examiner Tyler Berry, in this Supplemental Report, recommended that the application be granted. He found that there is a definite need for the proposed service and that no conflict will result by reason of interference with any station or any pending application.

Drohlich Brothers applied to the Commission for a construction permit for a new station at **Sedalia, Missouri,** to use **1500 kilocycles,** 100 watts, 250 watts LS, unlimited time.

Examiner Robert L. Irwin, in Report No. I-760, recommended that the application be granted. He stated that it has been shown that there is a need for a broadcast station in the area proposed to be served and that the operation of the proposed station would not cause "an increase in objectionable interference to the normally protected daytime contour of any existing broadcasting station, or to any facility requested in pending applications." He said also that it appears that there is sufficient economic support and "adequate talent available for broadcasts over the proposed station."

William Schield, Harold Smithson and Sydney R. Lewis applied to the Commission for authority to transfer control of the Golden Empire Broadcasting Company, licensee of Station KHSL, **Chico, California,** and Station KVCV, **Redding, California,** to Ray McClung, Horace E. Thomas and Stanley R. Pratt, Jr.

Examiner Robert L. Irwin, in Report No. I-762, recommended that the application be granted. He found that the transferees are in all ways qualified to continue the operation of Stations KVCV and KHSL and that the granting of the application would be in the public interest.

DECISIONS OF COMMISSION

S. B. Quigley applied to the Federal Communications Commission for a construction permit for a new broadcast station at **Mobile, Alabama,** to operate on **1200 kilocycles,** 100 watts, daytime only. The Commission granted the application.

In its decision, the Commission found that a public need exists for the proposed service and that "availability of commercial support has been shown to an extent which reasonably assures finances sufficient to operate in the public interest." It was found also by the Commission that there would be no interference problem.

Commissioners Craven and Case did not participate in this decision.

The Commission has denied as in default the application of Abraham Plotkin for the erection of a new station at **Chicago, Illinois,** to use **1570 kilocycles,** 1000 watts, unlimited time. The application was set for hearing but the applicant failed to appear to submit evidence in support of the application.

Broadcasting Station WGNY, **Newburgh, New York,** operating on **1210 kilocycles,** 100 watts, and sharing time with three stations, applied to the Commission to operate on **1220 kilocycles,** with 250 watts, daytime. The Commission granted the application.

It was found in the decision that there is a need for the additional daytime service proposed and that the station operating as proposed "will not interfere with the service of any other station."

Albert Steinfeld & Company applied to the Commission for authority to transfer control of the Arizona Broadcasting Company, licensee of KVOA, **Tucson, Arizona,** to the KTAR Broadcasting Company. KVOA operates on **1260 kilocycles.** The Commission granted the application.

In its decision, the Commission stated that the transferee is in all ways qualified to own the stock of the Arizona Broadcasting Company and also that the transferee will authorize Station KVOA "to bring additional programs to the residents of Tucson, and will not diminish the broadcast service now rendered to the various civic, religious, educational, social, and charitable organizations of the community." The Commission also stated that the station operating as proposed "will not be under the control of, or under common control with, either of the two daily newspapers in Tucson, Arizona, or with the other existing broadcast station in Tucson."

Commissioner Craven did not participate in this decision.

The Associated Broadcasters, Inc., licensee of Broadcasting Station WEST, **Easton, Pennsylvania,** and the Keystone Broadcasting Corporation, licensee of Station WKBO, **Harrisburg, Pennsylvania,** both operating 250 watts daytime, 100 watts night, on **1200 kilocycles,** applied to the Commission to operate simultaneously at night or unlimited hours of operation for both stations. At present they operate simultaneously during daytime and share time at night. The Commission granted the applications.

It was found by the Commission that a public need exists for the additional broadcast service and no objectionable interference would be expected to result from the operation as proposed.

The Commission has granted the application of the General Electric Company for experimental broadcast and television stations at **Albany, New York, Bridgeport, Connecticut,** and **Schenectady, New York.** The frequency band for the Albany and Bridgeport stations will be **60,000 to 86,000 kilocycles,** and the Schenectady station's frequency, **42,000 to 56,000 kilocycles** with 40 watts power.

It was pointed out by the Commission in its decision that the company is in all ways qualified to construct and operate the television broadcast stations and the program of research and experimentation proposed, the Commission said, "gives reasonable promise of substantial contribution to the development of the television art." It was further stated by the Commission that the interests of existing television broadcast stations will not be adversely affected from an interference standpoint by reason of the establishment and operation of the proposed new stations.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, January 16. They are subject to change.

Monday, January 16

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.,** 1 KW, unlimited time (DA at night).

Tuesday, January 17

KGEK—Elmer G. Beehler, Denver, Colo.—C. P. (requests change of studio and transmitter location), **1200 kc.,** 100 watts, daytime. Present assignment: **1200 kc.,** 100 watts, specified hours.

KGIW—Leonard E. Wilson, Assignor, E. L. Allen, Assignee, Alamosa, Colo.—Voluntary assignment of license, **1420 kc.,** 100 watts, specified hours.

KTSA—KTSA Broadcasting Company, Assignor, Sunshine Broadcasting Co., Inc., Assignee, San Antonio, Tex.—Voluntary assignment of license, **550 kc.,** 1 KW, 5 KW LS, unlimited time.

Wednesday, January 18

WJBW—Charles C. Carlson, New Orleans, La.—C. P., **1200 kc.,** 100 watts, share WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares WBNO.

Thursday, January 19

Oral Argument Before the Commission

Examiner's Report No. I-739:

NEW—Tacoma Broadcasters, Inc., Tacoma, Wash.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Michael J. Mingo, Tacoma, Wash.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time (DA night and day).

Friday, January 20

WRR—City of Dallas, Texas, Dallas, Tex.—C. P., **1280 kc.,** 1 KW, unlimited time.

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.,** 100 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings and oral arguments. They are subject to change.

February 6

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Kingston Broadcasting Corp., Kingston, N. Y.—C. P., **1500 kc.,** 100 watts, daytime.

Further Hearing

KTRB—Thomas R. McTammany and William Bates, Jr., Modesto, Calif.—Renewal of license, **740 kc.,** 250 watts, daytime.

NEW—William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.,** 250 watts, daytime (requests facilities of KTRB).

February 14

NEW—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres Incorporated, San Juan, Puerto Rico.—C. P., **580 kc.**, 1 KW, unlimited time.

WAGA—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

February 15

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **880 kc.**, 250 watts, unlimited time (DA for night use).

NEW—The Gateway Broadcasting Co., Louisville, Ky.—C. P., **880 kc.**, 500 watts, unlimited time (DA night and day).

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., **880 kc.**, 1 KW, unlimited time (DA day and night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—WDRC, Inc., Hartford, Conn.—Granted C. P. for new experimental broadcast station to be used as a relay service from WDRC studios to W1XPW utilizing a 100 watt frequency modulated transmitter of the Armstrong Type and directional antenna; frequencies **86000** to **400000, 401000 kc.**, and above, conditionally; 100 watts.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted license to cover C. P. and modifications thereof, authorizing change in transmitter site locally, installation of new equipment and vertical radiator, and increase in day power from 100 to 250 watts.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 50 KW power (used by broadcast station) for the transmission of facsimile signals experimentally and for modification of its authority to operate from 1 to 6 a. m., instead of from 2 to 6 a. m.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted extension of special experimental authority to operate synchronously with station WBBM from local sunset at Lincoln, Nebraska, to midnight for the period February 1 to August 1, 1939.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate synchronously with station KFAB from local sunset at Lincoln, Nebraska, to midnight for the period February 1 to August 1, 1939.

WAPI—Ala. Polytechnic Institute, Univ. of Alabama (board of control of radio broadcast station WAPI), Birmingham, Ala.—Granted extension of special authority to operate unlimited time on **1140 kc.**, with 5 KW power, employing directional antenna system for nighttime operation, for the period February 1 to August 1, 1939.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 25 KW power, unlimited time, employing directional antenna system for nighttime operation.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 10 KW power, full time for the regular license period.

WLW—Crosley Radio Corp., Cincinnati, Ohio.—Granted extension of special experimental authority to operate regular broadcast transmitter of station WLW for the experimental transmission of facsimile from 12 midnight to 6 a. m., using 50 KW power.

WHO—Central Broadcasting Co., Des Moines, Ia.—Granted extension of special authority for the transmission of fascimile signals over the regular broadcast transmitter of WHO during the experimental period between 12 midnight and 6 a. m., for the period February 1 to August 1, 1939.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for the period February 1 to August 1, 1939.

WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority to operate unlimited time on **850 kc.**, with 10 KW power, for the period February 1 to August 1, 1939.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDKA and auxiliary, Pittsburgh, Pa.; KFAB, Lincoln, Neb.; KFEQ, St. Joseph, Mo.; KFI and auxiliary, Los Angeles; KGO and auxiliary, San Francisco; KIRO, Seattle, Wash.; KJBS, San Francisco; KJR (Lessee), Seattle; KMMJ, Clay Center, Neb.; KMOX, St. Louis, Mo.; KNX, Los Angeles; KOA, Denver, Colo.; KOAM, Pittsburg, Kans.; KOB, Albuquerque, N. Mex.; KPO, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City, Utah; KTKC, Visalia, Cal.; KVOO, Tulsa, Okla.; KXA, Seattle, Wash.; KYOS, Merced, Cal.; WAAW, Omaha, Neb.; WABC-WBOQ, New York City; WAPI, Birmingham, Ala.; WATR, Waterbury, Conn.; WBAP, Fort Worth, Tex.; WBBM and auxiliary, Chicago; WBZ and WBZA, Boston, Mass.; WCAL, Northfield, Minn.; WCAU, Philadelphia, Pa.; WCAU, auxiliary; WCBD, Chicago; WCCO, Minneapolis, Minn.; WCFL and auxiliary, Chicago; WDGY, Minneapolis; WEAF and auxiliary, New York City; WEAU, Eau Claire, Wis.; WEEU, Reading, Pa.; WENR and auxiliary, Chicago; WEW, St. Louis, Mo.; WFAA, Dallas, Tex.; WGN, Chicago; WHAS, Louisville, Ky.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston, Mass.; WHEB, Portsmouth, N. H.; WIBG, Glenside, Pa.; WINS, New York City; WJZ and auxiliary, New York City; WKAR, E. Lansing, Mich.; WLB, Minneapolis, Minn.; WLS, Chicago, Ill.; WLW, Cincinnati, Ohio; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago, Ill.; WNYC, New York City; WNYC, auxiliary; WOAI and auxiliary, San Antonio, Tex.; WOI, Ames, Iowa; WOR and auxiliary, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPG, Atlantic City, N. J.; WRUF, Gainesville, Fla.; WRVA, Richmond, Va.; WSAZ, Huntington, W. Va.; WSB and auxiliary, Atlanta, Ga.; WSPR, Springfield, Mass.; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WWL, New Orleans, La.; WWVA and auxiliary, Wheeling, W. Va.

The following stations were granted renewal of licenses for the period ending July 1, 1939:

KBPS, Portland, Ore.; KOTN, Pine Bluff, Ark.; WEED, Rocky Mount, N. C.; WHBQ, Memphis, Tenn.; WHLB, Virginia, Minn.; WKEU, Griffin, Ga.; WLEU, Erie, Pa.; WLLH, Lowell, Mass.; WMBS, Uniontown, Pa.: WNBF, Binghamton, N. Y.; WOPI, Bristol, Tenn.; WPRA, Mayaguez, P. R.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted renewal of license for the period ending May 1, 1939.

KOOS—KOOS, Inc., Marshfield, Ore.—Granted renewal of license for the period ending June 1, 1939.

WCRW—Clinton R. White, Chicago, Ill.—Granted renewal of license for the period ending June 1, 1939.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted renewal of license for the period ending June 1, 1939.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted renewal of license for the period ending June 1, 1939.

W3XAU—WCAU Broadcasting Co., near Newton Square, Pa.—Granted renewal of international broadcast station license for the period ending November 1, 1939, subject to the condition that it is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W6XAO—Don Lee Broadcasting System, Los Angeles, Cal.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W1XG—General Television Corp., Boston, Mass.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W9XG—Purdue, University, W. Lafayette, Ind.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., already in the hearing docket, amended so as to request move of transmitter site approximately 20 miles from 17th and Holdrege St., Lincoln, Nebr., to N.W. ¼ Sec. 30, R. 10 E., Twp. 10 N., Cass County, Nebr.; install new equipment and directional antenna system for nighttime operation; change frequency from **770 kc.** to **1080 kc.**; and increase power and time of operation from 10 to 50 KW, and from simultaneous day and sharing with WBBM night, experimental simultaneously day, synchronous night, WBBM, to unlimited time. (To be heard before the Commission.) This application was redesignated for hearing to be heard with the applications of WBBM and WBT to determine full time use of frequency **1080 kc.** (a clear channel on which WBT now operates), and to ascertain if interference will result with 8 existing stations.

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license to change time of operation from sharing with WJAC to unlimited. This application designated for hearing to determine if interference might result to existing stations.

NEW—Birney Imes, Columbus, Miss.—C. P. for new station to operate on **1370 kc.**, with power of 100 watts night, 250 watts day, unlimited time.

NEW—Thomas R. McTammany, Modesto, Calif.—C. P., already in hearing docket, amended so as to request frequency **1340 kc.**, 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P. to move transmitter site locally; install new equipment and directional antenna system; and increase power from 500 watts night, 1 KW day, unlimited, to 1 KW night, 5 KW day, employing directional antenna for both day and nighttime operation. (Application was designated for hearing to determine if interference might result to existing stations.)

MISCELLANEOUS

WHAI—John W. Haigis, Greenfield, Mass.—Granted extension of special temporary authority to operate from 4:45 to 5 p. m., EST, on Sundays, January 15, 22 and 29, in order to broadcast in their entirety the weekly broadcasts of Father Coughlin, using power of 100 watts only.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, January 6, 13, 20, 27, in order to broadcast special sessions of WFAS Request Club, Civic "Bulletin Board" Theatre Commentary, and "Music of Memory" features.

WRUF—University of Florida, Gainesville, Fla.—Granted extension of special temporary authority to rebroadcast the Navy time signals from Arlington for the period beginning 3 a. m., EST, February 1, and ending no later than 3 a. m., EST, August 1, 1939.

KIDW—Southwest Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for a period of 30 days, pending action on application for voluntary assignment of license to The Lamar Broadcasting Co.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency **43000 kc.**, with power not to exceed 100 watts, for the period January 10 to February 8, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

WGPC—Northside Broadcasting Corp., New Albany, Ind.—Granted applicant's request to take depositions in re application for C. P. to use **880 kc.**, 250 watts, unlimited time (DA night), scheduled for hearing on February 15.

KTAT—Tarrant Broadcasting Co., Wichita Falls, Tex.—Granted applicant's motion for continuance of hearing now scheduled for February 7 on application to increase power from 1 KW, unlimited time, to 1 KW night, 5 KW LS, and to move station from Fort Worth to Wichita Falls, Tex., and to consolidate with hearing on application of applicant for authority to transfer control.

NEW—A. Corenson, tr/as Elgin Broadcasting Assn., Elgin, Ill.—Denied as in case of default the application for C. P. to use **1500 kc.**, 100 watts, daytime, since applicant failed to file a written appearance in accordance with Rule 104.6.

NEW—Central Broadcasting Corp., Worcester, Mass.—Granted motion to accept late appearance in re application for C. P. to use **1500 kc.**, 100 watts, 250 watts LS, unlimited time, now scheduled for hearing on February 6.

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Granted applicant's motion for order to take depositions in re application for C. P. to use **1420 kc.**, 100 watts, 250 watts LS, unlimited time, scheduled for hearing on February 24.

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—Case reopened for the presentation of evidence as to the citizenship of E. E. Benham. Order to be entered permitting the taking of depositions only as to the determination of the citizenship of E. E. Benham. (This matter was heard on December 19, 1938, and involves an application for C. P. to use **1320 kc.**, 250 watts, unlimited time (DA night.) (Exception by counsel for the Golden Empire Broadcasting Co. noted on the record.

NEW—The Brockway Company, Watertown, N. Y.—Granted motion to intervene in the hearing in re the application of Edward J. Doyle for a new station in Rochester, N. Y., to operate on **1270 kc.**, 500 watts, daytime, scheduled for hearing March 6.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted applicant's motion for order to take depositions in re application for C. P. to use **880 kc.**, 500 watts, unlimited time (DA night and day), scheduled for hearing on February 15; also granted applicant's motion to accept an amendment to the application (for change in transmitter site) and retention of hearing date—February 15.

NEW—A. Corenson, tr/as Northwestern Broadcasting Assn., Evanston, Ill.—Denied as in case of default the application for C. P. to use **1310 kc.**, 100 watts, unlimited time, since applicant failed to file a written appearance in accordance with Rule 104.6.

NEW—Ed Bishop and John L. McCarty, d/b as The Dalhart Broadcasting Co., Dalhart, Tex.—Denied as in case of default the application for C. P. to use **1500 kc.**, 100 watts, 250 watts LS, unlimited time, since applicant failed to file a written appearance in accordance with Rule 104.6.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Denied special temporary authority to operate station WGAN from local sunset on January 7, in order to hold audience for President's speech, and to broadcast speech to conclusion. (This was disapproved because of violation of Rule 103.19, which specifically precludes this grant without hearing.)

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted petition to accept respondent's answer in re application of KCMC to change frequency from **1420 kc.** to **1340 kc.**, and power from 100-250 watts LS, to 500 watts, 1 KW LS, scheduled for hearing January 9.

WMEX—The Northern Corp., Boston, Mass.—Denied motion for bill of particulars in re application for WLAC, Nashville, Tenn., for C. P. to use **1470 kc.**, 50 KW, unlimited time (DA night), scheduled for hearing on February 20.

KGB—Don Lee Broadcasting System, Inc., and KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Overruled joint petition for 30 days' extension, and granted extension until 10 a. m., January 25, in which to file proposed findings of fact and conclusions in re application of Hearst Radio, Inc., KEHE, for voluntary assignment of license; Earle C. Anthony, KECA, for C. P., and for voluntary assignment of license of KECA. (These cases were heard on December 7, 1938.)

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif. —Granted motion for extension of time to file proposed findings (from January 6 to January 16, 1939) in re application for renewal of license and voluntary assignment of KGGC, which was heard on October 26, 1938.

WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—Denied petition to reconsider and grant without a hearing the application to move transmitter site locally, install directional antenna system and new transmitter, and increase power from 5 KW to 50 KW, employing DA system for nighttime operation only. (Commissioners Sykes and Case voted "No" in this matter.)

KDAL—Red River Broadcasting Co., Duluth, Minn.—The Commission rescinded its order of December 12, 1938, which designated for further hearing the application for renewal of license of station KDAL, and designating for hearing the application for consent to transfer control of station, and granted the application for transfer of control of KDAL from E. C. Reineke, N. D. Black, H. D. Paulson, Mrs. N. B. Black, C. H. Reineke, and Forum Publishing Company, Inc., to Dalton A. LeMasurier and Charles LeMasurier.

WBIL—Arde Bulova, New York, N. Y.—Present license extended on a temporary basis only for a six months' period from February 1, 1939, subject to whatever action may be taken by the Commission upon the application of Greater New York Broadcasting Company.

WGNC—F. C. Todd, Gastonia, N. C.—Granted modification of C. P. authorizing approval of transmitter and studio sites, changes in equipment, and installation of vertical radiator.

WTHB—Florida West Coast Broadcasting Co., Inc., Tampa, Fla. —Granted license to cover C. P. for new relay broadcast station to be used to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WFLA; frequencies **1622, 2058, 2150** and **2790 kc.,** 40 watts.

WAUB—WSIX, Inc., Nashville, Tenn.—Granted license to cover C. P. for new relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WSIX; frequencies **1646, 2090, 2190** and **2830 kc.,** 40 watts.

W9SGO—WDZ Broadcasting Co., Tuscola, Ill.—Granted license for new experimental relay broadcast station to be used to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WDZ; frequencies **31100, 34600, 37600** and **40600 kc.,** on an experimental basis only conditionally, 2 watts.

KLPM—John B. Cooley, Minot, N. Dak.—Granted authority to make changes in automatic frequency control apparatus.

KOME—Harry Schwartz, Tulsa, Okla.—Granted license to cover C. P. and modifications thereof, authorizing erection of new station in Tulsa to operate on **1310 kc.,** 250 watts, daytime only.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted authority to determine operating power by direct measurement of antenna input.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted special temporary authority to operate simultaneously with station WTAM from 7:45 to 10 p. m., PST, January 7, 14, 20, 21, 27, and February 3 and 4, in order to broadcast basketball games.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to conduct tests during daytime, for a period beginning January 7 and ending in no event later than January 20, with reduced power of 250 watts and using an unmodulated carrier, in order to make proof of performance measurements for the directional antenna authorized by C. P.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak. —Granted special temporary authority to operate from 8:45 to 10:30 p. m., CST, January 10 and 13, in order to broadcast basketball games.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period January 16 to February 14, pending installation of directional antenna authorized by grant of October 25, 1938.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays, January 23 and 30; February 6 and 13, in order to broadcast special program from La. State Univ., and special addresses by the President and members of the faculty of that University.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate Relay Broadcast Station KSFM, on the frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.,** in addition to the normal licensed frequencies for the period January 14 to February 12, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Seattle to Auckland, N. Z., and return. Program material to be received by RCA Communications, Inc., receiving station at Point Reyes, Cal., for delivery to NBC network.

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate Experimental Broadcast Station W10XR, on frequencies **680** and **1070 kc.,** in addition to the normal licensed frequencies for the period January 18 to February 16, for the express purpose of making propagation studies in the vicinity of New York City.

W2XDG—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency **38.65 megacycles** for the period January 19 to February 17, pending definite arrangements to be made in the ultra high frequency bands.

W10XAP—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate Relay Broadcast Experimental station as licensed, for period January 15 to January 29, as sound channel in association with the portable-mobile television broadcast.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate Relay Broadcast Exp. stations, on freq. **31220 kc.,** for a period not to exceed 30 days, pending definite arrangements to be made to eliminate interference with Cleveland's Police radio system.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate high freq. broadcast station on freq. **42.8 megacycles,** power output of 40 KW, for the period January 15 to February 13, pending definite arrangements to be made in the ultra high freq. bands.

WJBW—Charles C. Carlson, New Orleans, La.—Granted CP authorizing installation of new transmitter and for local move, with the condition that if the construction is not carried forward then the hearing will be held on the Renewal of License Application, (renewal of WJBW set for hearing on September 27, 1938), but if the construction is carried forward then the necessity for hearing on renewal is eliminated.

KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 7:30 p. m., CST, February 7, 14, 21, 28 (provided WNAD remain silent), in order to broadcast special commercial programs.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with station WBAX from 6 to 8 p. m., EST, January 12, in order to broadcast ceremonies in connection with banquet of the 103rd Cavalry.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate exp. relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W9XAP, W9XDV, W9XDW, W9XXD, W9XXC, W10XAH, W10KAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV, W10XY on the freqs. **3122** and **37.02 megacycles** in lieu of present assignments **31.1** and **37.6 megacycles,** for the period January 20 to February 18, pending adjustment of relay broadcast freq. assignments above **30 megacycles** as contemplated by Gen. Order No. 19.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on January 21 and 28, and on February 4, 11, 18, in order to broadcast newscasts, musical programs, and other features of public interest; to operate from 8:30 to 10 a. m., EST, and from 2 to 3 p. m., EST, on January 22 and 29, and February 5, 12, 19, in order to broadcast religious services, newscasts, and musical programs; to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EST, February 13, in order to broadcast musical programs and newscasts, provided WSVS remains silent.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak. —Granted special temporary authority to operate from 10 a. m. to 12 noon, CST, and from 2 to 11 p. m., CST5, January 19 and 20, in order to broadcast annual radio debate tournament.

WGPC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., and February 5:15 p. m., CST), to the conclusion of basketball games, on January 13, 21 and 28, and February 4, using 100 watts power.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m., EST, to the conclusion of the Heavyweight Championship Bout between Joe Louis and John Henry Lewis, on January 25.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, on the night of January 11, from 9 to 10 p. m., EST, in order to broadcast a transcription of the Inaugural Address of Governor O'Conor.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m. and from 2 to 4 p. m., CST, on February 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 1939, and from 9:15 to 9:30 p. m., CST, on February 7, 14, 21, 28 (provided KGGF remains silent), in order to broadcast special educational program.

APPLICATIONS FILED AT FCC

560 Kilocycles

WIS—Station WIS, Inc., Columbia, S. C.—Voluntary assignment of license to The Liberty Life Insurance Co.

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Extension of special experimental authorization to transmit facsimile signals from midnight to 6 a. m., PST, for period 3-1-39 to 9-1-39. (Section 4 (c) of application.)

880 Kilocycles

NEW—The Gateway Broadcasting Company, Louisville, Ky.—Construction permit for a new broadcast station to be operated on **880 kc.**, 500 watts, unlimited time, studio located at 675 S. Fourth St. at Broadway, Louisville, Ky., transmitter at north of New Albany, Ind. Use directional antenna both day and night. Amended to give transmitter site as Louisville, Ky.

890 Kilocycles

KARK—Arkansas Radio & Equipment Co., Inc., Little Rock, Ark.—Modification of construction permit (B3-P-197) for new equipment, increase power and move transmitter, requesting change in power from 500 watts, 1 KW day, to 1 KW day and night. Amended to change application from a modification of construction permit, B3-MP-404, to a construction permit, B3-P-2318, re Commission's order of 5-27-38. Also to use directional antenna at night.

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitting equipment and increase power from 250 watts to 1 KW.

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Texas—Extension of Special Experimental Authorization to operate simultaneously with WTIC, unlimited time for the period 2-1-39 to 8-1-39.

1200 Kilocycles

NEW—Miles A. Metzger, Tuscaloosa, Ala.—Construction permit for a new station on **1200 kc.**, 100 watts night, 250 watts day, unlimited time (facilities of WJRD). (Sections 12b, 26 and 29b.)

KOOS—KOOS, Inc., Marshfield, Oregon—License to cover construction permit (B5-P-2219) for installation of new transmitter.

KVNU—Cache Valley Broadcasting Co., Logan, Utah—License to cover construction permit for new station.

1210 Kilocycles

NEW—Western Broadcasting Co., Partnership—Cecil Bott, Nettie Bott, Matilda Lannon, Harold L. McCracken, Cheyenne, Wyo.—Construction permit for new broadcast station to be operated on **1210 kc.**, 100 watts night, 250 watts daytime, unlimited time. (Signature.)

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine—Construction permit to install new equipment and increase power from 100 watts to 100 watts night and 250 watts daytime.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Construction Permit to make changes in transmitting equipment.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to install an auxiliary transmitter. (Sec. 16 (d) of application.)

1300 Kilocycles

WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of construction permit (B4-P-1320) for new transmitter, and increase in power, further requesting changes in transmitter.

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—License to use old transmitter as an auxiliary.

1310 Kilocycles

NEW—John R. Pepper, Greenville, Miss.—Construction permit to erect new broadcast station to be operated on **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

1370 Kilocycles

KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Voluntary assignment of license to Helen Townsley.

1420 Kilocycles

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1420 kc.** to **1290 kc.**, increase power from 100 watts night, 250 watts daytime, to 1 KW, and move transmitter. Amended to request 500 watts night and 1 KW daytime.

NEW—Grant Union High School District, North Sacramento, Calif.—Construction permit for new broadcast station for **1420 kc.**, 100 watts, daytime. Amended to request **1370 kc.**

KRLH—Clarence Scharbauer, Midland, Tex.—License to cover construction permit for installation of new equipment. (Section 10 (c) of application.)

1500 Kilocycles

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Authority to determine operating power by direct measurement of antenna power.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Modification of construction permit for new station requesting change in equipment and approval of transmitter location at 109 E. 5th St., Amarillo, Texas, and approval of antenna.

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—License to cover construction permit for new station.

KOVC—KOVC, Inc., Valley City, N. Dak.—Authority to install new automatic frequency control equipment.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit to move transmitter and erect new antenna.

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Modification of license to change hours of operation to request WCNW facilities amended to request unlimited time and facilities of WCNW and WMBQ.

MISCELLANEOUS

W1XPW—WDRC, Inc., Meriden, New Haven, Conn.—Modification of construction permit for new high frequency broadcast station requesting extension of required date of completion from 3-11-39 to 6-1-39.

W6XBE—General Electric Co., San Francisco, Calif.—Modification of construction permit for new international broadcast station requesting extension of required date of completion from 2-1-39 to 5-1-39.

NEW—KUJ, Inc., Portable-Mobile in area of Walla Walla, Wash.—Construction permit for new relay broadcast (experimental) station to be operated on **31100, 34600, 37600** and **40600 kc.**, 7.5 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile in area of Tacoma, Wash.—Construction permit for new relay broadcast station to be operated on **1646, 2090, 2190** and **2830 kc.,** 10 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile in area of Tacoma, Wash.—License to cover above (B5-PRY-155).

NEW—San Mateo Junior College District, San Mateo, Calif. —Construction permit for new Non-Commercial Broadcast station for **41060 kc.,** 100 watts. Amended for location at North Delaware and Peninsular Ave., San Mateo, Calif., and power of 25 watts.

NEW—WBEN, Inc., Buffalo, N. Y.—License for a new facsimile broadcast (experimental) station. (Section 9(a)).

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Associated Arts—Charging misleading representations in the sale of photographic enlargements and the frames therefor, a complaint has been issued against George H. Lewis, 909 Union Ave., Northside, Pittsburgh, trading under the names Associated Arts, Blackstone Academy of Fine Arts, Van Dyke Art Association, and Sterling Art Association.

Through his agents the respondent falsely represents, the complaint alleges, that paintings, hand-painted portraits, Colura portraits or Polychrome portraits will be furnished customers, when in fact the products delivered are cheap, quickly made tinted photographic enlargements produced at a cost of $1.25 each.

According to the complaint, customers are induced to sign orders or contracts in the guise of "certificates" purporting to entitle them to such pictures on payment of $2.95, which is alleged to be the "cost of production," although the value is represented to be $25 or a similar amount. Later, it is alleged, other representatives of the respondent attempt to coerce customers into purchasing frames for the pictures and often succeed in collecting an exorbitant price of $15 or more each.

The complaint alleges that the respondent's selling methods are directed toward accomplishing the sale of the frames at exorbitant prices and that his activities in obtaining contracts for the alleged portraits are merely "bait" or "come-on" tactics which enable high pressure salesmen to sell the frames at excessive prices. (3681)

Blackstone Academy of Fine Arts—See Associated Arts.

Fresh Grown Preserve Corp.—See Sun Distributing Company, Inc.

Rite Packing Corporation—See Sun Distributing Company, Inc.

Sterling Art Association—See Associated Arts.

Sun Distributing Company, Inc.—Misrepresentation in the sale of fruit preserves is alleged in a complaint issued against Fresh Grown Preserve Corporation, Sun Distributing Company, Inc., and Rite Packing Corporation, all of 32 Thirty-third St., Brooklyn, and Murray and Leo Greenberg, officers and part owners of the three corporations.

Charging violation of the Federal Trade Commission Act, the complaint alleges that the respondents sell to wholesale and retail grocers and bakers fruit preserve products advertised and labeled "pure fruit preserves" and as "pure preserves" when in fact such products are not preserves or pure preserves within the meaning and popular acceptance of such words.

According to the complaint, the expressions "preserves" and "fruit preserves" mean products prepared from a mixture of clean sound fruit with sugar in a proportion of at least 45 pounds of fruit to each 55 pounds of sugar cooked to an appropriate consistency.

The respondents' preparations, it is alleged, do not contain a fruit content of the aforementioned proportion but have an average fruit content deficiency of 48 per cent in that the fruit content averages approximately 22 pounds of fruit to each 55 pounds of sugar. (3682)

United States Rubber Company and one of its subsidiaries, U. S. Tire Dealers Corporation, both of 1790 Broadway, New York, are charged in a complaint with violation of the Robinson-Patman Act in that they have engaged in unlawful price discrimination in connection with the sale of automotive vehicle tires.

Since 1935, the complaint alleges, United States Rubber Company has conducted its business chiefly through subsidiary corporations, some of which in turn own or control, through voting stock ownership, still other operating companies. The respondent U. S. Tire Dealers Corporation, an operating subsidiary, allegedly is engaged principally in the sale and distribution of rubber products, including tires, manufactured by other subsidiaries of United States Rubber Company. Its merchandising and pricing policies are determined and dictated by United States Rubber Company, and the same set of officers serve both companies, the complaint alleges.

Sales to wholesalers and retailers of tires bearing the respondent companies' brands, the complaint charges, are made by the respondent U. S. Tire Dealers Corporation pursuant to "distributor sales agreements" and "service station dealer sales agreements," entered into from year to year, which provide that tires will be sold to the distributor or dealer at the prices shown in the respondents' current price list known as "United States Prices," less certain trade, functional, quantity and volume discounts. (3685)

U. S. Tire Dealers Corporation—See United States Rubber Company.

Universal Studios, Inc.—Charging unfair representation in the sale of photographs and photographic products, a complaint has been issued against Universal Studios, Inc., 187 East Seventh St., St. Paul, Minn., and against Harry I. Sanders, R. and Lorraine H. Smith, its officers and principal stockholders, who also trade under the name Universal Studios.

Through their agents the respondents are alleged to have represented that they were making a special offer at a reduced price whereby the prospective purchaser by use of a coupon could obtain a picture variously represented as being an oil painting, a portrait in oil colors, a gold tone painting or an oil colored portrait of the value of $5, or a big value, for 59 or 69 cents.

The respondents are alleged further to have represented that the coupon distributed by them or under their direction was worth $4.41 to the holder and was made possible under a special trade concession on the part of certain local merchants.

The complaint alleges, however, that the pictures sold and distributed were neither of a $5 or a "big value," nor was $5 the regular price charged therefor. The offer was not special or at a reduced price, according to the complaint, but the prices of 59 and 69 cents were the usual selling prices. The coupon or certificate issued was not worth $4.41 or any other amount, and did not represent a special trade concession, it is alleged. (3684)

Van Dyke Art Association—See Associated Arts.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Toy Works—An order has been issued against Adolph Wein, 3724 Twenty-fourth St., Long Island City, N. Y., trading as American Toy Works, directing discontinuance of certain misleading representations in the sale of toys.

The order requires the respondent to cease and desist from representing that any of the toys he sells which are made in Japan or in any other foreign country are made in the United States.

He is also ordered to stop representing, through use of the trade name American Toy Works, or in any other manner, that he is a manufacturer of toys, and to cease advertising that boxes of crayons sold by him contain any definite number of crayons other than the number actually so contained. (3528)

Sunbeam Laboratories—Prohibiting unfair representations in the sale of a cosmetic preparation, an order has been issued against Leopold Levoy and Nathan C. Blacher, trading as Sunbeam Laboratories, Los Angeles.

The order directs that they cease representing their product, Nailife, as being beneficial for dry or splitting nails, and as being the perfect nail food and a scientific preparation which will transform irregular, broken nails into well formed, symmetrical ones. The order also bars the assertion that use of the preparation will make nails strong and healthy.

Findings are that the value of the use of the respondents' preparation is limited to forming a protective covering for the nails, that it will not accomplish the results claimed and that the respondents' representations are exaggerated and untrue and constitute false advertisements in violation of the Federal Trade Commission Act. (3267)

STIPULATIONS

The Commission has entered into the following stipulations:

L. L. Adcox Trade School, 237 N. E. Broadway, Portland, Ore., a vocational school offering a combination home-study and practical course designated Master Diesel Course, has entered into a stipulation to cease and desist from misleading representations in the sale of such course.

The respondent company agrees to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field or the actual earning power or probable salaries, advancements or future security of graduates. The respondent company also stipulates that it will cease representing that any person, though lacking in proper education, experience or aptitude, can become a competent and expert Diesel man by taking its course of instructions. (2343)

Elizabeth Arden, Inc.—See Elizabeth Arden Sales Corporation.

Elizabeth Arden Sales Corporation, Elizabeth Arden, Inc., and Florence M. Lewis, trading as Elizabeth Arden, all of 681 Fifth Ave., New York, have entered into a stipulation to discontinue misleading representations in the sale of cosmetics, including Ardena Velva Cream Mask, Eight Hour Cream, Venetian Orange Skin Cream and Ardena Orange Skin Cream.

The respondents agree to cease advertising that use of any of the products named, either alone or in combination, will remove or prevent lines or wrinkles or have any effect upon such conditions other than to temporarily soften the appearance thereof; that their use "lifts muscles", affects the contours of the face in any way, refines the pores, or nourishes the skin, or that they are recommended for skins lacking natural nutritive qualities. (02303)

Diesel Engine Service—See School of Diesel.

David E. Kennedy, Inc., 58 Second Ave., Brooklyn, manufacturer of products designed for floor and wall use, agrees to stop representing by the use either of the words "Kentile" or "tile" in its advertising matter or in any other way, that its products are tile as that term is generally understood in the trade and by the general public, unless in immediate conjunction with these words there appear in conspicuous type other words designating the material or substance of which such products are made, such as wood tile, glass tile, rubber tile, asbestos tile, copper tile, cork tile, metal tile, or asphalt tile. (2349)

Leonard Custom Tailors Company, Textile Building, Cincinnati, also trading as Avon Park Clothes, has entered into a stipulation to discontinue certain misleading representations in the sale of men's clothing.

The respondent company stipulates that it will cease using the word "worsted" alone or in connection with the word "tropical", or with other words, as descriptive of suits not composed of wool.

If, according to the stipulation, such suits are composed in substantial part of wool and in part of other material, and the word "worsted" is properly used as descriptive of the wool content, then such word shall be accompanied by other words in equally conspicuous type to indicate clearly that the product is not made entirely of worsted but also contains other material. (2331)

W. H. Long Company—W. H. Long, 101 West Austin Ave., Chicago, trading as W. H. Long Company, in advertising various items of shop and office equipment, agrees to cease use of the expression Factory-Direct-to-You, implying that the respondent manufactures the products advertised or actually owns and operates the plant in which they are made. According to the stipulation, substantially all the products sold by the respondent under the representation Factory-Direct-to-You were not manufactured by him but were purchased from others. (2350)

Mitchell Syrup & Preserving Co.—Trading as Mitchell Syrup and Preserving Company, R. D. Mitchell and John L. Gardella, 4461 Jefferson Ave., Detroit, manufacturers of prepared fruit products, agree to cease advertising, describing, labeling or otherwise representing their products or any fruit or prepared fruit products as being preserves, pure preserves, or pure raspberry, black raspberry, blackberry, apricot, peach or pineapple preserves, or other designated fruit preserves when such products contain less than a ratio of not less than 45 pounds of the designated fruit to each 55 pounds of sugar. The respondents also stipulate that they will stop employing the words pure, preserve or preserves, either alone or in conjunction with other words or representations, implying that the products designated are in fact preserves, which are defined as preparations containing fruit and sugar in a ratio of not less than 45 pounds of fruit to each 55 pounds of sugar. (2347)

School of Diesel—E. T. Whetstone, 209 Castle Bldg., Tulsa, Okla., trading variously as School of Diesel, School of Diesel, U. S. A., Diesel Engine Service and Diesel Engine Service of Oklahoma, conducts a residence school and a home-study correspondence course in Diesel mechanics and operation. He agrees to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and to cease making misleading representations regarding the character, nature, quality or scope of the course or educational service he offers or the actual or probable earnings of students. Whetstone also stipulates that he will cease using any name or title such as Vocational Guidance Department. Employment Service, Technical Library, Vocational Director or Lifetime Scholarship, which has a tendency to mislead students or prospective students as to the character of his school or its courses, and will discontinue using the trade names Diesel Engine Service or Diesel Engine Service of Oklahoma or names of similar import implying that he has a shop, mechanical equipment and the technical training to service Diesel engines, when such are not the facts. The respondent agrees to stop employing as a part of his trade name or otherwise the letters U. S. A. or other letters or symbols indicating that he is officially connected with the United States Government or that his course is conducted according to Government requirements, when such are not the facts. (2348)

NAB Reports
The National Association of Broadcasters

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 3, JANUARY 20, 1939

FCC Committee Suggests 1-Year Licenses

The broadcasting industry's plea for longer licenses was answered this week when an FCC committee recommended that the term of licenses be extended from six months to at least one year.

This recommendation was included in a report to the whole Commission on the hearings on rules and regulations which started last June 6.

The committee also recommended that present rules governing power be left unchanged pending "a more intensive accumulation of facts and a consequent study of the economic factors involved" in super-power.

Although the committee commented that it was difficult to prescribe program standards "because initiative and reasonable freedom of action are essential to the American system of broadcasting," it set forth thirteen "practices" which it said should be taken into consideration in renewing licenses.

Network organization should be encouraged rather than discouraged, the committee said. Newspaper ownership, transcriptions, absentee ownership, international problems and other subjects also were discussed at length in the 31-page document, mailed by the Commission to all stations.

Other developments of the week:

The deal with E. V. Brinckerhoff and Company, Inc., to continue the NAB Bureau of Copyrights tax free music library collapsed when Mr. Brinckerhoff told Neville Miller, NAB President, that he would be financially unable to perform the obligations of the proposed contract.

The FCC refused NAB's request for simplification of the ownership questionnaire, due January 25. Chairman Frank R. McNinch told Mr. Miller that the information requested was necessary in the current monopoly investigation. Columbia had the stand at this week's hearings. Mutual is slated to start next week.

Four of last year's bills and one new measure, all of which the industry will oppose, were dumped into the congressional hoppers. Senator Schwellenbach (D-Wash), by three bills, would compel broadcasters to turn over their microphones for discussion of controversial issues. Representative Celler (D-NY) would have the federal government build and operate a station in the District of Columbia. Senator Reynolds (D-NC) would have the government build four stations for maritime broadcasts.

The American Federation of Radio Artists (A. F. of L.) threatens to strike against

(Continued on page 3212)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FCC COMMITTEE SUGGESTS 1-YEAR LICENSES

(Continued from page 3211)

all advertising agencies which refuse to sign an agreement including a minimum wage scale the union has fixed. No date for the walk-out has been fixed.

COPYRIGHT DEAL COLLAPSES

The following correspondence explains the collapse of the deal between the NAB and E. V. Brinckerhoff and Co., Inc., for continuation of the NAB Bureau of Copyrights, approved at the last meeting of the NAB Directors:

E. V. Brinckerhoff & Co., Inc.,
29 West 57th Street, New York.
January 16, 1939.

Mr. Neville Miller, President
National Association of Broadcasters
1626 K Street, Northwest
Washington, D. C.

Dear Neville:

This will confirm the decision arrived at during the meeting of Judge Robinson, Paul Spearman, Mr. Fletcher and you with regard to the NAB Bureau of Copyrights, Inc.

As agreed at that conference, there is nothing for us to do but withdraw our bid.

Should there be any other arrangement made or should you wish us to, we should be glad to consider making another bid.

Sincerely,
(Signed) BRINK
EVB:HC E. V. Brinckerhoff.

P.S. At your convenience will you please have returned to me our original contract with the papers attached thereto, including the letter of guarantee.

January 16, 1939.

TO THE BOARD OF DIRECTORS:

Since the last meeting of the Directors in Washington on December 12, 1938, I have diligently attempted to close the transaction concerning the NAB transcription library with E. V. Brinckerhoff and Company in accordance with the bid submitted to the Directors by Mr. Brinckerhoff.

Due to unavoidable circumstances, the negotiations have taken longer than expected. However, I spent most of last Friday and Saturday with Mr. Brinckerhoff during which time the terms and conditions of the proposed contract were carefully discussed. Mr. Brinckerhoff was accompanied by legal counsel at the second conference and at the conclusion thereof Mr. Brinckerhoff stated he would be unable financially to perform the obligations of the proposed contract and, therefore, withdrew his offer which he had submitted to the Board of Directors on December 12.

I am leaving Washington for a trip to attend District meetings in Denver, Portland, San Francisco, Los Angeles and Dallas, and shall return to Washington, February 6. I shall discuss the copyright question with the broadcasters at these District meetings and shall continue to study it and shall expect to make a report to the Board of Directors at an early date. I shall be glad to have your suggestions.

With best regards, I am
Very truly yours,
NEVILLE MILLER

DISTRICT 14 MEETING

The District 14 meeting this week adopted a resolution saying it was the sentiment of the district that all broadcasters immediately should meet their obligations under the Federal Radio Education Committee agreement.

Neville Miller, NAB President, and Ed Kirby, Public Relations Director, represented headquarters at the meeting held January 18-19 in Denver.

Other resolutions called for:

The NAB to move toward revision of the 1909 copyright law "that justice be done to all parties."

Congress to relieve broadcasters of unfair liability for the utterances of political candidates.

Mr. Miller to proceed hastily to make arrangements with responsible parties for continuation of the NAB library of tax-free music, in view of the Brinckerhoff withdrawal.

The NAB to ask Congress to place the responsibility for network shows upon the originating source.

"Wholehearted cooperation" with Mr. Miller.

The following members registered for the meeting:

Bishop, Frank, KFEL; Carman, Frank C., KUTA; Carrol, R. E., KWYO; Chamberlin, Howard R., KLZ; Craney, E. B., KGIR-KPFE; Crapsey, A. W., KOA; McClellan, T. G., KLZ; McCracken, H. L., KVRS; McGill, J. H., KGHF; MacPherson, James, KOA; Moyer, Holly, KFEL; O'Fallon, Gene, KFEL; Owen, Robert H., KOA; Pyle, Wm. D., KVOD; Ritchie, Sen C. P., KGHF; Sharp, Ivor, KSL; Siebert, Herbert, KWYO; Ekrem, T. C., KVOD; Fox, S. S., KDYL; Elmer, John, WCBM;

Glade, Earl J., KSL; Hilliard, L. L., KGKY; Howell, Charles, KFXJ; Howell, Rex., KFXJ; Hurt, Franke, KFXD; Jacobsen, Jessie, KFBB; McCaig, Don, KFEL; Soule, O. P., KTFI-KSEI; Wagstaff, W. E., KDYL; Wuth, Arthur, KLZ; Yocum, Edw. M., KGHL; Hathaway, Don F., KDFN.

Labor

AFRA THREATENS STRIKE AGAINST ADVERTISING AGENCIES

The American Federation of Radio Artists (A. F. of L.) is threatening to strike against advertising agencies which refuse to sign contracts including a minimum wage scale the union has proposed.

No date for the strike has been set, but Mrs. Emily Holt, the union's executive secretary, and George Heller, associate secretary, are holding a series of mass meetings this week in New York, Chicago and Los Angeles to obtain a vote of confidence.

Joseph L. Miller, NAB Labor Relations Director, conferred this week with both Mrs. Holt and John A. Benson, President of the American Association of Advertising Agencies, about the situation. Mr. Miller offered both Mrs. Holt and Mr. Benson his services as mediator. Both thanked him and said they would call on him if they felt his services would be useful.

AFRA dealt for some time with the AAAA, but withdrew from the conference after the AAAA, disclaiming authority to make any deal, suggested a wage scale somewhat below the one AFRA proposed. Mrs. Holt now says that the strike will not affect any individual agency which signs a contract. Whether the agencies will stick together is still a question.

AFRA already has contracts with NBC and CBS covering sustaining artists, and so a strike would not affect sustaining programs from those networks. A strike probably would affect quite seriously the content of network commercials built by agencies. Eddie Cantor is AFRA president.

Wage and Hour

Elmer F. Andrews, Wage and Hour Administrator, has suggested to Congress, in his first annual report, that the act might be amended to exclude from overtime provisions employees making $400 or more a month, not otherwise excluded by executive and professional exemption. The NAB is of the opinion that $400 is too high a figure. Joseph L. Miller, Labor Relations Director, will discuss this situation soon with the Special Wage and Hour Committee, to explore the possibility of supporting Mr. Andrews' suggestion if the figure is revised. Mr. Miller would appreciate comment from members, including figures on how many non-exempt employees each station has, making more than $40 a week; also the number making more than $50 a week.

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Ohio State Meeting

Joseph L. Miller, Labor Relations Director, will talk to the Ohio State Broadcasters Association about broadcasting labor problems, in Columbus January 28.

Legal

STATE TAX ON BROADCASTING

State statutes and municipal ordinances which impose a license or franchise tax upon broadcasting stations uniformly are unconstitutional. They may not be exacted by any state or municipality, since they are an unconstitutional burden upon interstate commerce. This should be brought to the attention of the proper authorities before action is taken by the enacting bodies. All broadcasters located in states and municipalities which are contemplating such taxation are urged to communicate with Headquarters for details of the principles of law involved and to cooperate with their local committees and district directors to the end that useless litigation involving such legislation may be avoided.

PROPOSED FEDERAL, STATE LEGISLATION AFFECTING BROADCASTING

The following bills have been introduced in the respective legislatures:

Congress

H. R. 94 (Mr. Maloney, La.) PAID TESTIMONIALS—To require announcement of paid "recommendations" (testimonials), if any, at time of broadcast. Referred to Interstate and Foreign Commerce Committee.

H. R. 251 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee.

H. R. 252 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines "alcoholic beverage" as including "beer, ale, wine, gin, whiskey, or brandy." Referred to Interstate and Foreign Commerce Committee.

H. R. 253 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee.

H. R. 924 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to "alcoholic beverages" and is not limited to "intoxicating liquor." Referred to the Interstate and Foreign Commerce Committee.

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee.

S. 547 (Sen. Lodge, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedia, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee.

S. 550 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303(1). A corrected bill will be introduced.

S. 575 (Sen. Capper, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee.

S. 594 (Sen. Reynolds, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee.

Federal Congress

S. 635 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on "non-profit basis of public, social, political, and economic problems, and for educational purposes." Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee.

S. 636 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee.

S. 637 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee.

H. R. 2721 (Mr. Celler, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio-broadcasting station in vicinity of Washington by Secretary of the Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee.

State Legislatures

Arkansas:

H. 8 (Weisenberger) PREMIUM TAX—To repeal Act 238 of 1937 taxing the giving away of money or other things of value for advertising. Referred to Education Committee.

S. 56 (Higginbotham) COPYRIGHTS — UNFAIR TRADE PRACTICES—Declaring illegal certain monopolistic abuses practiced under the guise of copyrights by price fixing combinations, monopolies and pools; enforcing the Arkansas Anti-Trust Statutes; creating a State Anti-Monopoly Board; providing for the service of process on non-residents and providing additional funds for Old Age Pensions. Referred to Judiciary Committee.

California:

A 148 (Rosenthal) RADIO TRANSMISSION—An act for the construction of two radio broadcasting stations and the maintenance and operation thereof by the University of California. Referred to Universities Committee.

A 246 (Tenney) SLANDER—Absolves radio stations from liability for slander. Referred to Judiciary Codes.

A 248 (Tenney) LIBEL AND SLANDER—BOND—Waiving the necessity of posting a bond in libel and slander actions. Referred to Judiciary General Committee.

A 263 (Tenney) RADIO STATION'S LIABILITY—Exempting radio stations from liability for statements made. Referred to Crime Problems Committee.

A 666 (Gilbert) RADIO ADVERTISING—Provides penalties for false advertising by radio. Referred to Crime Problems Committee.

A 826 (Millington) RADIO BROADCASTS—Relating to radio broadcasts in foreign languages. Referred to Judiciary General Committee.

Colorado:

S 94 (Constantine) SOUND AMPLIFIERS—An act relating to use of sound equipment. Referred to State Affairs Committee.

S. 95 (Constantine) MICROPHONES—Relating to unlawful use. Referred to State Affairs Committee.

H 12 (Griffith) THEATRICAL EMPLOYMENT AGENCIES—Relates to theatrical employment agencies, amending Statute 1935 annotated, Chapter 97, Section 165-179 incl. Referred to Industrial Relations Committee.

H 44 (Townsend) H 1 (Crowley-Anderson) SERVICE TAX REPEAL—Repeals 2 per cent tax enacted in 1937. Referred to Ways, Means and Finance Committee.

H 137 (Kline) SHORT WAVE RADIO—Relates to short wave radio sets in automobiles and business establishments. Referred to Appropriations Committee.

H 300 (Hornbaker) SERVICE TAX—To amend the Public Revenue Service Tax Act of 1937, Chapter 240. Referred to Finance, Ways and Means Committee.

H 352 (King) SERVICE TAX—To amend the Public Revenue Service Tax Act of 1937. Referred to Finance, Ways and Means Committee.

H 413 (Crowley) SOUND AMPLIFICATION—Relating to the unlawful use of microphones and other sound amplifying equipment. Referred to Criminal Jurisprudence Committee.

H 408 (Crowley) SOUND AMPLIFICATION—Relating to the use of microphones and other sound amplifying equipment. Referred to Criminal Jurisprudence Committee.

Georgia:

H 21 (Evans) RADIO COMMISSION—To repeal an act establishing the Georgia Radio Commission. Referred to State of Republic Committee.

Massachusetts:

S 34 (Skibinski) MUNICIPAL ADVERTISING—Authorizing cities and towns to appropriate money for municipal advertising purposes. Referred to Municipal Finance Committee.

S 41 (Burke) LIBEL OF RACES—Prohibiting the libel of races. Referred to Constitutional Law Committee.

H 337 (Mass. St. Fed. of Labor) EMPLOYMENT OFFICES—Providing for the regulation of private employment offices. Referred to Mercantile Affairs Committee.

Michigan:

H 50 (Hamilton) GAMBLING TRANSMISSION—To amend the criminal code to make telegraphic, telephone, and radio reports of wagers and bets a felony. Referred to State Affairs Committee.

New York:

A 9 (Ferril) (Same as S 14) RACE HATRED—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race color, religion or manner of worship. Penal Law, §514-a new. Referred to Codes Committee.

S 14 (Nunan) (Same as A 9).

S 19 (Coughlin) (Same as S 14; A 9).

North Carolina:

H 13 (Fenner) TAXATION—ALL FORMS—To raise revenue; affects all forms of taxation; inheritance, corporation, license, and auto; amends the liquor laws somewhat; involved amendments to gift and personal property taxes on tangibles and intangibles. Referred to Finance Committee.

H 44 (Taylor) RADIO BROADCASTING—FRANCHISE TAX—Imposes a franchise tax of 3 per cent on the gross receipts of all radio broadcasting companies. Referred to Finance Committee.

S 12 (Taylor) TAXATION—ALL FORMS—To raise revenue; affects all forms of taxation; inheritance, corporation, license and auto; amends the liquor laws samewhat; involved amendments to gift and personal property taxes on tangibles and intangibles. Referred to Finance Committee.

Oklahoma:

H 170 (Sweeney) RADIO BROADCASTING—Provides facilities for the use of radio broadcasting stations.

Washington:

S 5 (Kyle) COPYRIGHTS—Repealing Chapter 218 of the laws of 1937 protecting copyrights.

S 15 (Sullivan) PURE FOOD AND DRUG ACT—Amending the Pure Food and Drug Act to prevent the manufacture, advertising or sale of adulterated food or drugs; misbranding, false advertising; regulating the sale of dangerous habit forming drugs and of new drugs. Referred to Medicine Committee.

MAP DEMANDS

The Association recently has received a number of letters from members which indicate that certain map companies are making a drive against stations, alleging that the stations have infringed copyrights covering maps. The stations receiving such communications from map companies will greatly assist the NAB in its investigation by sending complete details to Headquarters.

FCC QUESTIONNAIRE

Numerous member stations have inquired concerning the interpretation of question 12(a) and (b) of the FCC individual licensee questionnaire [question 14(a) and (b) of the licensee corporation questionnaire]. An inquiry at the Commission brought the following answer: If question (a) is answered "Yes," the answer to question (b) must include a complete list of all advertising agencies from which business has been received, stating with respect to each the basis for the payment of compensation, the amount and percentage of such compensation and any arrangements with the agency for making payment. Station representatives also should be included with the percentage basis and the gross sum paid to them. Officials of the Commission state that it is not necessary to submit copies of contracts.

[The NAB's efforts to obtain simplification of the questionnaire were unsuccessful. Neville Miller brought the situation to the attention of Chairman Frank R. McNinch who said that the information sought was necessary for the current monopoly investigation.]

FREE OFFERS

The NAB regrets that it erroneously listed as a "cost-per-inquiry" proposal in the Reports of January 6 a proposition by the Selviair Broadcasting System, Inc., Chicago. The proposition calls for a "package deal."

A free seed offer from the Pan American Society of Tropical Research, New Orleans, has been investigated, and the NAB has found no flagrantly commercial or controversial aspect. When the listener responds to the proposed announcement, he gets a small package of seeds and a leaflet describing the climatic and historic glories of Peru.

A member reports an offer from the Bureau for Natural Pearl Information, New York, which is obviously commercial.

The NAB is investigating offers from the Non-Sectarian League for Americanism, Chicago, and Hansen Associates ("This Has Happened"), New York City. Any member desiring information should write to headquarters.

MONOPOLY HEARING

The financial history and organization of CBS was examined in detail at the FCC hearing on alleged monopoly in the broadcasting industry. The day-by-day story of the hearing:

JANUARY 12

Frank K. White, CBS Treasurer, was the only witness. After discussing the company's bookkeeping methods, he started to tell the financial history of the company, starting with the organization of the United Independent Broadcasters, Inc., in 1927, by Edward Ervin, Arthur Judson, H. M. Newman and J. Andrew White. Mr. White then told how Mr. Loucheim and Messrs. I. D. and Leon Levy of Philadelphia came into the company that same year by buying 1,020 shares of the 3.000 authorized shares of stock. In September, 1928, the Paley family obtained 2,515 shares of the then-authorized 5,000 shares of stock, by purchases from Mr. Loucheim and others. Mr. White then told how the authorization in December, 1928, was increased to 7,500 shares, and how, the following August, the 7,500 shares were exchanged on a pro rata basis for 50,000 shares of Class A and 50,000 shares of Class B stock. Mr. White said he could not tell who got the 2,500 shares issued in December, 1928, but that control of the company was not affected. On August 8, 1929, the entire Class A issue of 50,000 shares was sold to the Paramount-Famous-Lasky Corporation, which, with additional shares which P-F-L had obtained meanwhile, was sold back in 1932. Mr. White then continued the story of various stock transactions, concluding that day by stating that the company had increased its stock since 1927 from 1,000 to 3,000,000 shares; that $1,551,155 had been received by the company in cash, and an additional $41,000 represents the value of agreements signed and obligations cancelled, in payment for this stock; and that the company had paid $11,194,681 in cash dividends.

JANUARY 13

Mr. White continued his discussion of CBS stock issues, financial statements, bookkeeping and related subjects. Commissioner Brown broke into the questioning at one point for an inquiry as to control. It was developed that on January 1, 1938, Mr. Paley controlled 52 per cent of the Class B stock and 11.4 per cent of the Class A. The Paley family acquired control in 1928 and retained it, except during the period when Paramount owned half the outstanding stock.

At the afternoon session, Edward R. Murrow, CBS European Director, described at length how the company covered this year's European crises. Then Hugh A. Cowham, Commercial Engineer in charge of Traffic, told the Commission about the relationship between CBS and the A. T. and T., and how wires for network operation were obtained and operated.

JANUARY 17

Mr. Cowham continued his testimony. He was followed by Ralph F. Colin, New York, counsel for CBS and Mr. Paley personally, who went into more detail about the stock transaction with Paramount. Mr. Porter, Commission Counsel, at one point said:

"Now, to sum up this transaction, between 1929 and 1932, this exchange of stock simply means Mr. Paley makes a million dollars and the Paramount Corporation makes a million dollars; some stockholders of Columbia sell 10,000 shares of Paramount for something, and then the whole deal is called off? That is the sum total of the whole thing?"

"Subject to a correction on your estimate of the profit, I think that is true," Mr. Colin replied. "Mr. Paley's and the stockholders profits were not the total amounts received because their stock had cost them something. There was a substantial profit, however."

JANUARY 18

Mr. Paley was on the stand most of the day, devoting most of his direct testimony to CBS program policies. At the afternoon session, he was cross-examined at length about the financial structure and history of the company. Commission counsel appeared to be particularly interested in 1,300,000 shares of CBS stock held in the corporation treasury.

Mr. Porter: So far as you can testify at the present time then there is no plan either yourself or on the part of the corporation with respect to any possible disposition of the 1,300,000 odd shares of stock?

Mr. Paley: None whatsoever.

Q. Either in the corporation or in the corporation's treasury?

A. None whatsoever and that consideration would not be up to the particular group you have referred to. It would be a matter that would have to be considered by the directors and by the stockholders.

Q. Which, incidentally, you very largely control, don't you, Mr. Paley?

A. Well the statements I have made in answer to your questions indicate to what extent that holds true.

Later, Mr. Paley said, in reply to questions, that the corporation intended to finance its television costs out of profits and had no special plans for financing.

Herbert V. Akerberg, in charge of station relations, took the stand to describe the CBS relationship with affiliated stations.

CELLER INTRODUCES BILL FOR GOVERNMENT STATION

Several bills affecting broadcasters have been introduced in Congress during the past week, one of which (H. R. 2721) was by Representative Celler, of New York, providing for the construction and operation of a government owned Pan American radio station. The bill, which was referred to the House Committee on Naval Affairs, is identical with a bill introduced by Mr. Celler at the last session of Congress and on which no action was taken.

The bill authorizes an appropriation of $700,000 for the construction of the station under the direction of the Secretary of the Navy, and an appropriation of $100,000 a year is also authorized for operation and maintenance of the station.

Provision is made in the bill for the arranging of the programs by the United States Commissioner of Education and general policies would be made by an advisory council to be composed of the Secretary of State, the Director General of the Pan American Union, the chairman of the Federal Communications Commission, and the United States Commissioner of Education.

According to the provisions of the bill the station would be located in Washington.

Senator Schwellenbach of Washington introduced bills Senate 635, Senate 636, and Senate 637, all of which would amend the Communications Act of 1934. They have been referred to the Senate Committee on Interstate Commerce.

Senate 635 requires that broadcasting stations shall set aside regular periods for uncensored discussion of public questions. This bill amends Section 315 of the Communications Act by striking it out and by inserting the following:

"Sec. 315. Each licensee of a radio-broadcasting station shall be required to set aside regular and definite periods at desirable times of the day and evening for uncensored discussion on a nonprofit basis of public, social, political, and economic problems, and for educational purposes. When any such licensee permits any speaker on any controversial, social, political, or economic issue to use its facilities during any such period, it shall afford to at least one exponent or advocate of each opposing viewpoint equivalent facilities. The licensing authority shall without any delay make rules and regulations to carry this provision into effect, and in proceeding hereunder it shall appoint and, in its discretion, act upon the recommendations of an advisory committee consisting of disinterested, representative citizens: *Provided,* That the licensing authority, the advisory committee, and licensees shall have no power of censorship of any kind, nor shall any license be revoked or renewal refused because of material so broadcast."

Senate 636 provides that a broadcasting station shall keep complete records open for public inspection for all applications for time of all rejected applications, and the reason for such rejections, and all additions and changes requested in various programs.

Senate 637 strikes out the whole of section 326 and inserts the following:

"Sec. 326. Nothing in this Act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication: *Provided,* That this provision shall not be understood or construed to exempt any licensee from liability for any defamatory, profane, indecent, or obscene language or action broadcast by any officer, employee, agent, or representative of such licensee."

Senator Reynolds of North Carolina introduced a bill (S. 594) to establish Marine Schools.

In connection with this bill there is a section dealing with the establishment of radio stations. The bill has been referred to the Senate Committee on Commerce and the radio section of the bill is as follows:

"(d) Each such nautical school shall further construct and operate within its maritime district a radio station or stations, of a wave length and power described by the Maritime Commission, for intercommunication between the various schools and to be available as a coastal radio network for defensive purposes if needed as a screen against foreign radio penetration and propaganda, in times of war or national emergency; also for intercommunication with the Maritime Commission offices in Washington; and for broadcasting by voice to United States ships, trawlers, fishing boats, coasting vessels, aircraft, and other ships at sea or in foreign ports: Provided, That not less than four such radio stations be of a power and short wave length capable of being received around the world—one to be located on the Atlantic coast, one on the Pacific, one on the Gulf coast, and one on the Great Lakes: Provided further, that such worldwide stations shall broadcast daily programs containing hydrographic information, weather reports, storm warnings, time signals, distress reports, market prices for fishermen, quotations, news events, and other information of interest and value to citizens of the United States engaged in occupations at sea or abroad, particularly the masters of small craft not equipped with wireless transmitters and operators who may receive such broadcasts by voice through the installation of simple, inexpensive receivers mounted in the pilothouse near the steering wheels of their vessels. Such worldwide maritime broadcasts shall open and close with the national anthem and shall consist of programs and information prepared by the Maritime Commission. All such broadcasts shall be prefixed and designated as 'Maritime Radio Service' for delivery to United States ships and citizens at sea, and to American Embassies, consuls and citizens abroad. By permission of the Chairman of the Maritime Commission, the several departments of the Government shall be allowed free service over said worldwide broadcast stations for the dispatch of coded voice messages or straight information to United States emissaries and residents living in foreign lands where censorship and controlled press prevent the ordinary delivery of reliable information; or, for such other purpose as the several departments may elect to use said stations' service.

"(e) To insure the maximum circulation of such broadcasts through the 'Maritime Radio Service' the Maritime Commission shall encourage the installation aboard United States ships and craft, of all classes, of short-wave receivers and sound distributing equipment, so that the greatest number of vessels may be in constant touch with home shores, wherever they may be in various corners of the world, through said broadcasting service; thereby, reducing the loss of life or property and risks at sea through the ability to direct by voice the attention of a maximum number of ships to any case of distress or emergency; and, by such installations to reduce the probabilities of casualties and the related insurance rates upon vessels and cargoes. Such 'Maritime Radio Service' shall further be used to transmit to United States ships, officers, passengers and crews at sea, programs of a moral, educational, and religious nature upon the various days of the week, to the end that an esprit de corps may be created and sustained to increase the assurances that the United States ships will at all times, in face of storms or adverse conditions, be operated by spirited and inspired personnel of the highest possible caliber; thus, adding human assurance to property insurance."

FATHER COUGHLIN

The Western Union advised NAB this week that it had delivered 70,000 telegrams to Congressmen, protesting against a proposal to lift the embargo on arms shipments to Loyalist Spain, following Father Coughlin's radio request Sunday for protests to that effect. Postal carried an additional 14,600.

The Philadelphia Record reports that two signs, "Keep Frankfurter Out," were carried by pickets in front of WDAS Sunday afternoon. The station has been picketed each Sunday since it cut off Father Coughlin.

NEW NEWS REVIEW

A new issue of the NAB News Review, in two parts, is in the mail. One part includes comment on Neville Miller's statement about religious broadcasts; the other has comment on other phases of broadcasting.

NEW FREQUENCIES ALLOCATED

The allocation of three new frequencies in the 2,000 to 3,000 kilocycle band for exclusive use in forestry service in preventing and combating forest fires, was announced this week by the Federal Communications Commission. Considerable research was necessary to find these frequencies as this band is already shared by police, government, ship, coastal harbor, aviation, and relay broadcasting stations.

CYCLE DEVIATION

During the month of December, according to the Federal Communications Commission, 702 broadcasting stations were measured and 54 were not measured.

Of the number measured 609 had a maximum deviation within 0-10 cycles; 83 deviated within 11-25 cycles; and 9 deviated within 26-50 cycles with 1 having a deviation of over 50 cycles.

SUCCESS STORIES WANTED

Stations that have success stories on department store contracts please forward any promotional material on such programs to Headquarters Office. Numerous requests are received for information on success stories of department store programs and the information will be helpful to other member stations.

PANAMA TREATY

The Vice President has referred to the Committee on Foreign Relations a convention between the United States and the Republic of Panama, for the regulation of radio communications in the Republic of Panama and the Canal Zone, which was signed in Washington on March 2, 1936.

FEDERAL COMMUNICATIONS COMMISSION

EXAMINER'S REPORT

J. Samuel Brody applied to the Federal Communications Commission for a construction permit for a new station at **Sumter, South Carolina,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time; and Station WIS, Inc., **Columbia, South Carolina,** applied for special authority for synchronous station to be operated on **560 kilocycles,** with 10 to 100 watts power, from local sunset to sunrise at Sumter.

Examiner John P. Bramhall, in Report No. I-761, recommended that the Brody application be denied but that the application of WIS, Inc. for the synchronous station be granted "conditioned upon compliance with the technical requirements of the Commission." Dealing with the Brody application, the Examiner stated that the applicant does not have technical qualifications to construct and operate the proposed station and that "his financial ability is very doubtful in view of his numerous contradictory statements with respect to his assets." In connection with WIS application, the Examiner found that the research and experimentation proposed will be conducted by a qualified staff and that "because of the character of the program of research and experimentation to be carried on, it is believed that the same will contribute substantially to the broadcast art."

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Station WRBL, **Columbus, Georgia,** to permit it to change its assignment from **1200 kilocycles,** 100 watts night, 250 watts day, unlimited time, to **1330 kilocycles,** 1000 watts, unlimited time, to use a directional antenna at night.

In its decision, the Commission stated that the applicant failed to show that public need exists for the additional service "as would justify a curtailment of the present good service area of Station WRBL in some directions, and to authorize operation of a regional station which will be limited to its 4.7 millivolt per meter contour at night."

The Commission has granted renewal of license of Station KMPC, **Beverly Hills, California.**

At one time, according to the Commission, the program of the station as to certain broadcasts was in question. Two hearings were held. As the result of a further investigation said the Commission "the evidence developed at the further hearing reveal that the station carried announcements sponsored by the Basic Science Institute to the effect that such Institute was a chiropractic organization possessed of the ability to diagnose various physical ailments and give advice as to the treatment to be administered therefor. The chief member of the staff of the organization is one who during 1935 was identified with the Alhambra Electronic Institute, a similar organization which functioned much in the same manner as the present one. He was arrested, tried and found guilty of violating the California State Medical Act. In its decision upon the application of Station KMPC for renewal of license in 1935 (Docket No. 2850), the Commission condemned the part played by the station in promulgating the schemes of the Alhambra Electronic Institute. The similarity of the present scheme with that conducted in 1935, coupled with the fact that the chief promulgator thereof is the same, should normally have placed the station on notice to inquire into the practices to be advertised. Assuming the propriety of one advertising his skill in the diagnosis and treatment of human ills, certainly stations should carefully investigate this and similar enterprises to which they are requested to lend their facilities in foisting upon the public representations and claims concerning the treatment of human disease and misery. It is enough that advertising continuity of such character be offered a station to cause it to carefully scrutinize the same, as well as thoroughly investigate the particular scheme to be presented. In this instance, the Commission feels that since subsequent to 1935 the management and ownership of the station has completely changed, and due to the fact that the program has long since been discontinued, the future service of the station will not be affected by its past conduct."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, January 23. They are subject to change.

Monday, January 23

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—C. P., **560 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **560 kc.,** 1 KW, unlimited time.

NEW—Bureau of Education, A. Corenson, Owner and Manager, Montebello, Calif.—C. P., **1420 kc.,** 100 watts, daytime.

Tuesday, January 24

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WMSD—Estelle P. Chapman and Everett L. Chapman, Transferor. Authority to transfer control of corporation; **1400 kc.,** 100 watts, unlimited time.

Wednesday, January 25

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—C. P., **1380 kc.,** 1 KW, unlimited time. Present assignment: **1380 kc.,** 500 watts, 1 KW LS, unlimited time.

NEW—Bowling Green Broadcasting Co., Bowling Green, Ky.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WGH—James W. Baldwin, Transferor, Daily Press, Inc., Transferee, Newport News, Va.—Authority to transfer control of corporation; **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

Friday, January 27

Further Hearing

A Broadcast Matter

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—C. P., **1320 kc.,** 250 watts, unlimited time (DA at night).

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for hearings. They are subject to change.

February 27

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 250 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Renewal of license, **1230 kc.,** 1 KW, 5 KW LS, unlimited time.

April 18

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares WBNO.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted extension of special experimental authority to operate on **710 kc.,** with 1 KW power, unlimited time, for the period February 1 to August 1, 1939, upon the same conditions and limitations as heretofore imposed, and may be terminated by the Commission at any time without advance notice or hearing if in its discretion the need for such action arises.

KOVC—George B. Bairey, Valley City, N. Dak.—Granted authority to transfer control of KOVC, Inc., licensee of station KOVC, *from* George B. Bairey *to* R. Giselius, H. G. Harrington, Milton Holiday, J. P. Katz, Lloyd H. Lee, M. E. McCarty, Selma Manoles, C. J. Meredith, Karl J. Olsen, E. J. Pegg, O. S. Peterson, B. R. Pfusch, John Piller, J. J. Schmitz and Herman Stern. (Station operates on **1500 kc.,** 100 watts night, 250 watts LS, unlimited time.)

KRBM—Roberts MacNab Co., Bozeman, Mont.—Granted voluntary assignment of C. P. (authorized to operate on **1420 kc.,** 100 watts night, 250 watts day, unlimited time) from the present permittee, Roberts-MacNab Co., Arthur L. Roberts, R. B. MacNab, Jr., A. J. Breitbach, General Manager, to KRBM Broadcasters.

W2XBF—William G. H. Finch, New York City.—Granted C. P. to change transmitter location of station from 37 West 47th St. to 1819 Broadway, New York, and install new antenna.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KSCJ—Perkins Brothers Company (The Sioux City Journal), Sioux City, Iowa.—Application for C. P. to install a directional antenna system for nighttime operation and increase night power from 1 KW to 5 KW. (To be heard before the Commission.) Application designated for hearing to determine if interference might result to existing stations, and because of violation of Rule 120.

NEW—Don Lee Broadcasting Co., San Francisco, Calif.—Application for C. P. for new television broadcast station (site to be determined in San Francisco or immediate vicinity), on an experimental basis, under the provisions of Rules 1031, 1033 and 1034, requesting frequencies **42000-56000 kc.,** aural and visual power 250 watts, unlimited time, in accordance with Rule 983.

NEW—Lawrence J. Heller, Washington, D. C.—Application for special experimental authority to install a synchronous station near the intersection of River Road and Wisconsin Avenue, Washington, D. C., exact site to be determined with Commission's approval, and to operate on **1310 kc.** with power of 10 to 100 watts, unlimited time, in addition to regular station (if and when granted) of Lawrence J. Heller (C. P. for new station requesting **1310 kc.,** 100 watts night, 250 watts day, unlimited time). (Application designated for hearing to determine need for this service, and because of possible interference with existing stations. To be heard with application for C. P.)

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Application for modification of license to change hours of operation to unlimited time, facilities of WMBQ and WCNW (station now operates on **1500 kc.,** 100 watts night, 250 watts day, S.H.). This application designated for hearing to ascertain if interference might result to existing stations, and to be heard with other related applications for these facilities.

MISCELLANEOUS

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Present license extended on a temporary basis for a period of 3 months, pending investigation and report on facts and circumstances surrounding certain broadcasts.

NEW—Clarence A. Berger and Saul S. Freeman, Coeur D'Alene, Idaho.—Denied as in cases of default application for modification of C. P., which was designated for hearing on December 15, 1938, as applicant failed to appear and offer evidence in support of application.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Denied petition to reconsider and grant application for renewal of license, which has been designated for hearing. (Commissioner Craven voted to grant petition.)

W9XAA—Chicago Federation of Labor, Chicago, Ill.; and Radio Service Corp. of Utah, Saltair, Utah.—Denied motion of Chicago Federation of Labor that the Commission reconsider its action of November 21, 1938, in designating for hearing the application for consent to assignment of license for International Broadcast Station W9XAA from Chicago Federation of Labor to Radio Service Corp. of Utah; and the application for permit to move said international station from Chicago to Saltair, Utah, increase power and install new equipment, and denied motion filed on behalf of assignee, Radio Service Corp. of Utah.

KFRU—KFRU, Inc., Columbia, Mo.—Denied petition of respondent, KFRU, to remand for further hearing the applications of KVOD, Denver, Colo., and KFEL, Denver, for C. P.'s; and motion in opposition thereto, filed on behalf of KVOD; the motion to strike said petition to remand, filed by KFEL; and the opposition filed by KFRU, Inc., to said motions in opposition, and to strike said petitions to remand.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with station WFBC from 12 noon to 1 p. m., EST, with power of 100 watts, January 17, in order to broadcast ceremonies incident to the inauguration of the Governor of Pennsylvania.

WATS—Allen T. Simmons, Akron, Ohio, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.,** 100 watts.

WILL—University of Illinois, Urbana, Ill.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 KW to 5 KW, using directional antenna system.

WCLS—WCLS, Inc., Joliet, Ill.—Granted license to cover C. P. authorizing changes in equipment.

KCRJ—Charles C. Robinson, Assignor, Central Arizona Broadcasting Co., Assignee, Jerome, Ariz.—Granted petition to take depositions of Della Tovrea Stuart in re application for assignment of license of KCRJ.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted request of applicant for authority to take depositions in re application for C. P. to change frequency from **1310 kc.** to **880 kc.,** power from 250 watts to 1 KW, hours of operation from daytime to unlimited; directional antenna for day and night use; move station and install new transmitter.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.; and NEW—Associated Arkansas Newspapers, Inc., Hot Springs, Ark.—Granted petitions of applicants to dismiss applications for new stations, requesting operation on frequency **1310 kc.,** 100 watts, daytime only, without prejudice.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted applicant's petition for enlargement of depositions order (to include additional witnesses), in re application for C. P. for new station to operate on **880 kc.,** 500 watts, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—Granted applicant's motion for authority to take depositions (supplemental) in re application for C. P. for new station to operate on **580 kc.,** 1 KW night, 5 KW LS, unlimited time.

NEW—Pee Dee Broadcasting Co., Florence, S. C.—Granted applicant's petition for extension of time for filing proposed findings in re application of Pee Dee Broadcasting Co. for **1200 kc.,** 100 watts night, 250 watts LS, unlimited time (facilities of WOLS), and application for modification of license of WOLS to change hours of operation from daytime to unlimited, and power from 100 watts to 100 watts night and day, and for renewal of license of WOLS.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted applicant's petition for acceptance of late appearance in re application for modification of license to change hours of operation from daytime to unlimited, 250 watts LS. (Now operates on **1500 kc.,** 250 watts, daytime only.)

NEW—Aubrey G. McCabe and Trim W. Aydlett, tr/as Albemarle Broadcasting Co., Elizabeth City, N. C.—Granted applicant's petition to take depositions in re application for new station to operate on **1370 kc.,** 100 watts night, 250 watts LS, unlimited time.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted modification of C. P. approving transmitter and studio sites; changes in authorized equipment and installation of a vertical radiator.

NEW—Bureau of Education, A. Corenson, Owner and Manager, Montebello, Calif.—Granted motion of applicant to accept late appearance in re application for C. P. for new station to operate on **1420 kc.,** 100 watts, daytime only.

NEW—K. E. Schonert and Oscar L. Turner, d/b as Olney Broadcasting Co., Olney, Ill.—Denied applicant's motion to strike part of proposed finding of stations WGBF and WBOW. (The Olney Broadcasting Co. has applied for a C. P. for a new station to operate on **1210 kc.,** 100 watts night, 250 watts LS, unlimited time, facilities of WEBQ.)

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted petition of applicant for authority to take depositions in re application for C. P. to install directional antenna for night use; change hours of operation from daytime to unlimited. (Now operates on **900 kc.**, 500 watts, daytime.)

KCRJ—Charles C. Robinson, Assignor, Central Arizona Broadcasting Co., Assignee, Jerome, Ariz.—Granted petition of applicants for authority to take depositions in re application for assignment of license of KCRJ from Charles C. Robinson to Central Arizona Broadcasting Co. Station operates on **1310 kc.**, 100 watts night, 250 watts LS, unlimited time.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to operate simultaneously with station WOSU during daytime, using power of 5 KW, for a period of 30 days, in order to determine whether the simultaneous operation of WKRC at its maximum power and WOSU results in any objectionable interference.

WJBW—Charles C. Carlson, New Orleans, La.—Continued to April 18, 1939, the hearing heretofore scheduled for January 18 on the application for renewal of license for WJBW and modification of license to change time of operation from sharing with WBNO to unlimited.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted C. P. to install a new transmitter.

WGRM—P. K. Ewing, Grenada, Miss.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.

KBND—The Bend Bulletin, Bend, Ore.—Granted license to cover C. P. authorizing erection of a new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on Saturday evenings, January 14, 21, 28, and February 4, in order to carry the complete programs of the NBC Symphony Orchestra.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, January 20, in order to broadcast basketball games; to operate from 2:30 to 4:15 p. m., EST, January 14, in order to broadcast dedication service of new Administration Building.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (January, 5:30 p. m., CST), to midnight on January 30, in order to broadcast President's Ball Dance.

National Broadcasting Co., New York City.—Granted special temporary authority to transmit network programs to Havana, Cuba, for rebroadcast on standard broadcast station CMX, operating on **1260 kc.** with approximately 4 KW power, antenna directive to the east, pending action on NBC application (B1-FP-59), for a period of 30 days, in order to continue service to Havana listeners heretofore provided by station CMQ, which service has been suspended because of interference caused by recent changes made by station CMQ.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Denied special temporary authority to operate simultaneously with station WBAL on **1060 kc.**, from 5:30 to 6:15 p. m., CST, Mondays, through Fridays, January 10 to 31, included, in order to broadcast daily resume of activities of the Ark. State Legislation.

W3XPI—Monumental Radio Co., Baltimore, Md. (Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, conditionally, 2 watts.

W3XPJ—Monumental Radio Co., Portable-Mobile (State of Maryland).—Granted license to cover C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, conditionally, 2 watts.

WAAO—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, Portable-Mobile (area of Bloomington, Ill.).—Granted license for new relay broadcast station; frequencies **1606, 2022, 2102** and **2758 kc.**, 100 watts.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

WDSM—Fred A. Baxter, Superior, Wis.—Granted modification of C. P. to install composite equipment instead of standard as previously authorized.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted authority to make changes in automatic frequency control apparatus.

W9XAP—National Broadcasting Co., Inc., New York City.—Granted modification of C. P. to make changes in equipment.

WMMN—Monongahela Valley Broadcasting Co., Fairmont, W. Va.—Granted license to use former main transmitter as an auxiliary for emergency purposes only, using 500 watts night, 1 KW LS.

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted special temporary authority to rebroadcast over station WCCO the broadcast of traffic control from Plane NC-37-358, with call letters CR-8, of the Minn. National Guard, operating on **4495 kc.**, on January 28, in connection with the Annual St. Paul Winter Ice Carnival Parade.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay broadcast station WCBN, aboard the aircraft YANKEE CLIPPER, owned by Pan American Airways Co., on the frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.**, in addition to the normal licensed frequencies, for the period January 19 to February 17, to relay broadcast special programs during flight of Yankee Clipper between Alameda, Cal., and Hong Kong and return, and to be broadcast by CBS.

APPLICATIONS FILED AT FCC

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to make changes in antenna and transmitting equipment.

1190 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—Modification of construction permit (B1-P-1207) for change in frequency, increase in power, move of transmitter, changes in equipment, install directional antenna for day and night use, further requesting changes in transmitting equipment. Amended: To change type of equipment.

1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—License to cover construction permit (B3-P-2286) for auxiliary transmitter. Amended: Re: hours of operation.

1210 Kilocycles

KROY—Royal Miller, Sacramento, Calif.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

1230 Kilocycles

NEW—John F. Arrington, Jr., Valdosta, Ga.—Construction permit for a new broadcast station to be operated on **1230 kc.**, 250 watts, daytime. Amended: To request unlimited hours of operation.

1270 Kilocycles

KGCA—Charles Walter Greenley, Decorah, Iowa.—License to use station KWLC's transmitter, located at 600 Leiv Erickson Drive, Decorah, Iowa, and move KGCA's studio from 201-203 Water St., to 111½ Winnebago St., Decorah, Iowa.

1330 Kilocycles

WDRC—WDRC, Inc., Hartford, Conn.—Construction permit to install directional antenna for night use and increase night power from 1 to 5 KW. Amended: To request use of directional antenna for both day and night.

1370 Kilocycles

WIBM—WIBM, Inc., Jackson, Mich.—License to cover construction permit (B2-P-2206) for new antenna and equipment changes, and move of transmitter and studio to new site. Amended: Re: hours of operation.

NEW—Northwest Broadcasting Co., Fort Dodge, Iowa.—Construction permit for a new station on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Amended: To change name from Edward Breen and Allen R. Loomis II, to Northwest Broadcasting Company, and change from a partnership to a corporation, and give studio site as site to be determined, Fort Dodge, Iowa.

KGKL—KGKL, Inc., San Angelo, Texas.—Modification of license to change power from 100 watts, 250 watts day, to 250 watts' day and night.

1420 Kilocycles

KRLH—Clarence Scharbauer, Midland, Texas.—License to cover construction permit (B3-P-2273) for installation of new equipment. Amended: Re: Hours of operation.

MISCELLANEOUS

WAUT—Evansville on The Air, Inc., Evansville, Ind.—License to cover construction permit (B4-PRY-131) for new low frequency relay station.

KAOD—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover construction permit (B5-PRY-135) for a new low frequency relay station.

NEW—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Construction permit for a new portable-mobile relay broadcast station (experimental) on **31100, 34600, 37600, 40600 kc.,** 2 watts power, A-3 emission.

NEW—Pacific States University, Los Angeles, Calif.—Construction permit for a new non-commercial educational broadcast station to be located at 1117 Venice Blvd., Los Angeles, Calif., on **41300 kc.,** 100 watts power, A-3 emission.

Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corporation.

W8XLT—WLEU Broadcasting Corp., Erie City, Penna.—Construction permit for reinstatement of relay broadcast station W8XLT under new corporate name.

W8XLT—WLEU Broadcasting Corp., Erie City, Penna.—License to cover above.

W4XA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Modification of construction permit (B3-PHB-62) requesting frequency of **25450 kc.,** instead of present authorized frequencies.

NEW—John V. L. Hogan, New York, N. Y.—Construction permit for a new high frequency (experimental) broadcast station on **41200** and **111500 kc.,** 1000 watts power. Amended: To delete the frequency of **111500 kc.**

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Lux Company—See Lux-Visel Company, Inc.

Lux-Visel Company, Inc.—A complaint has been issued charging Lux-Visel Company, Inc., 415 West Franklin St., Elkhart, Ind., with unfair and deceptive acts and practices in connection with the sale of an electric hot water heater. The respondent company trades as The Lux Company and as Superlux, and sells its product under the name Lux Electric Water Heater or Superlux Electric Water Heater.

In its advertising matter the respondent company allegedly makes a purported "free offer", representing and implying to the purchasing public and to prospective salesmen that by purchasing one heater at a stipulated amount they will receive an additional heater free, or that by purchasing in larger quantities they will receive other heaters without charge. According to the complaint, the price charged for the one heater and the so-called "free" heater is the regular and customary price charged for two heaters, and does not constitute a free offer. (3683)

Uneeda Underwear Corporation—Charging misrepresentation of the fiber content of knitted undergarments for women, a complaint has been issued against Abraham Tabachnick, trading as Uneeda Underwear Company, 335 Van Siclen Ave., Brooklyn. The respondent is the manufacturer of the garments he sells to wholesale and retail dealers and to other customers.

By means of labels, tags and markers, the respondent allegedly designates certain garments as containing 33⅓ per cent silk and wool, when, in fact, they are composed of 92 per cent cotton and 8 per cent rayon. Other garments represented as containing 15 per cent silk and wool are composed of 90 per cent cotton and 10 per cent rayon, the complaint alleges. In neither case, do the undergarments contain silk mixed with wool of any kind, it is alleged.

According to the complaint, the respondent sells other undergarments composed of 78 per cent cotton, 9 per cent rayon and 13 per cent wool, which are falsely labeled as containing "30% wool and rayon". On these labels, the complaint charges, the respondent accentuates the word "wool" by use of large type, while the word "rayon" is printed in much smaller type. (3686)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Detective Publishing Company—An order has been entered requiring Al Dunlap, trading as The Detective Publishing Company, 1029 South Wabash Ave., Chicago, to discontinue advertising that the Durite Bullet-Proof Vest he manufactures and sells has "successfully stood the highest Government test of all bullet-proof vests".

The Commission found that the National Bureau of Standards, at the request of the Federal Bureau of Investigation, made tests which disclosed that the respondent's product did not stand the highest Government test of all bullet-proof vests. (3402)

S. Goldenburg & Company—See La Perla Vineyard Company.

Frederick Loeser & Co., Inc., Fulton and Bond Sts., Brooklyn, has been served with an order requiring it to cease using certain words and phrases having a capacity to mislead purchasers of fabrics, women's wearing apparel, and other like products.

Such articles, when they are not composed wholly of silk, are not to be advertised by use of the words Satin, Taffeta, or Crepe, under the order, unless such descriptive words are employed to designate the type of weave or construction, in which case they shall be qualified by including in immediate connection therewith words clearly naming the fiber or material from which the product is made.

The order also prohibits use of the word Silk or the term Pure Dye to designate fabrics not composed wholly of unweighted silk, although it provides that if an advertised fabric is composed partly of unweighted silk and partly of rayon or a material other than unweighted silk, such description shall be accompanied by other words accurately describing each constituent fiber in the order of its predominance by weight. (3502)

Par-Tex Hosiery Mills—Edward E. Partain, trading as Par-Tex Hosiery Mills, 2814 Elm St., Dallas, Tex., in connection with the sale of hosiery, has been ordered to cease and desist from certain practices deemed to be in violation of the Federal Trade Commission Act.

Among practices prohibited are representation that hosiery purchased will be of a grade, quality, texture and color corresponding to samples selected by purchasers, unless in fact the product delivered does correspond to such samples; supplying hosiery different from samples; unduly delaying correction of mistakes in filling orders; failing and neglecting to make adjustments as promised; retaining hosiery sent in by purchasers for exchange or adjustment

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of mistakes, and failing or neglecting to refund the money paid by such purchasers.

Findings are that the respondent shipped to purchasers hosiery inferior to that represented by agents and in many instances not of the size and color indicated by the buyer. (3510)

La Perla Vineyard Company and **Ramshead Distilling Company**, both of 1404-1406 South Canal St., Chicago, have been ordered to cease and desist from representing, through use of the word "distilling" or the word "vineyard" in a corporate or trade name, on labels, in advertising matter or in any other manner, that they are distillers, that they manufacture the wines or other alcoholic beverages they sell, or that they own, operate or control a vineyard or place where wines or other alcoholic beverages are manufactured.

The order also is directed against Harry Ex, who is president of both respondent corporations and who trades as S. Goldenburg & Co. and as Ramshead Products Company.

Through use of the word "vineyard" in its corporate name and in other ways, La Perla Vineyard Company represents, the Commission found, that it is the producer and manufacturer of the wines it sells, when in fact it is engaged in processing, bottling and distributing wines at wholesale. The Commission also found that the company, through statements upon its stationery and in other ways, represents that it owns the famous La Perla Vineyard, located at St. Helena, Calif., when such is not a fact. (3433)

Ramshead Distilling Company—See La Perla Vineyard Company.

Sinnock & Sherrill, Inc.—Misrepresentation of the gold fineness of pen knives is prohibited under an order to cease and desist entered against Sinnock & Sherrill, Inc., 15 Maiden Lane, New York.

Certain pen knives manufactured and sold by the respondent company allegedly are stamped with the symbol 10K or 14K. According to the Commission's findings, neither the knives nor their mountings are gold of 10 or 14 carat fineness or quality as indicated, but consist of a mounting which is composed for the most part of a base metal and is so constructed as to have the appearance of solid gold, when in fact only the outer shell of such mounting is solid gold. (3421)

Texas Tasty Company—Under an order to cease and desist, Floyd Irl Sorrells, trading as Texas Tasty Company, 904 West Richmond St., Fort Worth, Tex., has been directed to discontinue certain misleading representations in the sale of a confection known as Penny Nips.

Among the representations prohibited are that the confection is a non-competitive item of merchandise which will remain in marketable condition at temperatures up to 132 degrees, and that the liquid therein is pure fruit juice.

The respondent also is ordered to cease advertising that officials of Fort Worth or any other city have certified the purity of the confection, unless such certification actually has been obtained.

The order forbids the representation that for the purpose of aiding a dealer in selling Penny Nips under contract with the respondent, the latter's agents will remain in a territory allotted to a dealer until such time as the dealer shall have sold merchandise equal to the amount of money he has advanced the respondent under the contract. (3487)

Thorson's Soap Lake Products Company—Trading as Thorson's Soap Lake Products Company, Roxie Thorson, of Soap Lake, Wash., has been ordered to cease and desist from misrepresenting the therapeutic benefits to be obtained from the use of certain mineral salt preparations she sells in interstate commerce.

The preparations are sold under designations such as Thorson's Soap Lake Salts, Thorson's Effervescent Soap Lake Salts, Thorson's Soap Lake Liniment, and Thorson's Skin-Aid Soap Lake Ointment.

In connection with the sale of her preparations, the respondent is ordered to discontinue representing that the mineral salts contained therein, which are obtained from the waters of Soap Lake, will prevent or cure, or are beneficial in the treatment of, stomach, liver, bowel and kidney conditions; diseases of the blood and skin; diabetes, pyorrhea, pleurisy, high blood pressure, nervous ailments, constipation, arthritis, or any similar ailments or afflictions. (2832)

STIPULATIONS

The Commission has entered into the following stipulations:

Ad-Lee Company, Inc., 825 South Wabash Ave., Chicago, has entered into a stipulation to cease certain misleading representations in the sale of the Ever-Ready Merchandiser, a coin-operated vending machine, and of confections for use therein.

Under the stipulation, the respondent company agrees to cease overstating and misrepresenting the opportunities for profits to be made in the vending-machine merchandising business and the actual profits made by Ever-Ready Merchandisers.

The respondent company agrees to cease representing that a cash return on the investment is guaranteed to the buyer of a machine and to stop misrepresenting, either directly or by concealment of facts, that the expense of a merchandising business through vending machines is automatically kept at a minimum, thus always assuring maximum profits. (2356)

Hemphill Corporations, Glendale, Calif., and Hemphill agree to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and the actual earning power or probable salaries of graduates and students, and to stop using representations implying that the respondents are in a position to offer employment to their graduates, or will procure it for all their graduates, when such are not the facts. They also agree to stop advertising their business or courses under the "Help Wanted" classification so as to imply that they have positions open and available when in fact the purpose of such advertising is only to enroll students.

The respondents agree to stop representing that their combination course will equip one generally for any position in the Diesel field, when such is not a fact. (2354)

Hot Flash Company in the sale of a so-called faucet type water heater, Louis Newland, Louis B. London and Maurice Grober, 151 West 26th St., New York, agree to discontinue use in advertising matter of representations implying that their devices can be operated as cheaply as most household electrical devices or are capable of supplying hot water of any stated gallonage and of any specified temperature in excess of what is actually the fact. They also agree to cease representing that the Hot Flash devices, employing the recommended use of a 20 ampere, 125 volt fuse plug in connection with the kind of circuit found in the ordinary home, is either safe, sane or sound, when such is not a fact. (2353)

Lewis Druggist Supply Company—Joseph S. Massimo, trading as Lewis Druggist Supply Company, 621 Broadway, New York, in the sale of prophylactics, agrees to stop using the word "manufacturer" or other words of similar meaning in advertisements or in any other way to imply that he manufactures the products he sells or owns and operates the factory in which they are made. According to the stipulation, the respondent does not manufacture such articles. (2357)

Midwest Radio Corporation, 905 Broadway, Cincinnati, agrees to stop illustrating or describing a radio set or other merchandise and quoting therewith a display price in the advertising copy which is not the actual price as illustrated or described. The respondent company also stipulates that it will cease illustrating a high-priced set and quoting a price which applies to a less expensive set, or otherwise making representations in advertising copy which do not conform accurately to the representations and illustrations in the sales catalog. The respondent agrees to refrain from quoting a price which does not cover the complete set as illustrated, unless in juxtaposition therewith and in equally conspicuous type the explanation is made that the price quoted applies only to specified parts or items and no more. (2351)

Milk Minerals Company, Inc., 400 Rush St., Chicago, selling Darical Wafers, a mineral food supplement, agrees to cease advertising that the use of its product will safeguard the health of expectant and nursing mothers, unless this assertion is expressly limited to supplying calcium requirements, and to discontinue representing that nervousness, insomnia and "run down" condition will be treated effectively in any substantial proportion of cases by the administration of Darical Wafers, or that calcium deficiency is to any great extent responsible for such conditions. (02305)

Rombro Brothers—Unfair competition in connection with the sale of men's shirts will be discontinued by Jacob and Theodore Rombro, trading as Rombro Brothers, 22-24 South Howard St., Baltimore, under a stipulation they have entered.

The respondents agree to cease using the letters "U. S. A." either independently or in connection with other words or in any manner to imply that the shirts so labeled or advertised have been made for the United States Government or the Army, in accordance with Government specifications, or have been disposed of by the Government or the Army as surplus stock. (2363)

Sam Sandor, 2207 Clybourn Ave., Chicago, also known as S. B. Saunders, engaged in a printing and publishing business under the assumed or trade name of Fidelity Sales Promotion Service, stipulates that he will cease distributing sales-promotion cards so designed that their use by retail merchants constitutes or may constitute the operation of a lottery, game of chance or gift enterprise. He also agrees to stop supplying to retailers or other sales-promotion cards or sales-booster plans or schemes which are used or may be used without alteration or rearrangement to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public. (2358)

Vocational Service, Inc., Los Angeles, Calif., agrees to cease representing that it is dedicated to an impartial and disinterested helpful guidance service to the student in selecting the right training and was founded by outstanding men in the industrial educational field. It stipulates that it will stop promising, either directly or inferentially, to recommend qualified vocational schools in the broad field of arts and crafts suitable to whatever line would be appropriate to the inquirer or to "find the right school for the right student," whatever his inclination or aptitude when in fact no schools are recommended except the three mechanical schools whose courses the respondent sells.

Among other practices to be discontinued are the use of statements implying that the respondent's agents are not salesemen but impartial investigators of the prospect's qualifications, and the use of the assertion that a school represented by the respondent is "very strict" about admitting students. The respondent also will cease conveying the impression by guile, artifice or subtlety that it is a rare privilege to be permitted to purchase its clients' course when in fact such course is available to any mechanically minded person who can pay for it.

The respondent, in referring to its sales agents, agrees to stop employing that title "Registrar" or any other words the effect of which is to imply that such representatives have any official or other capacity than that of salesmen. (2355)

Dallas E. Winslow, Inc.—Misleading representations in the sale of automobile parts and accessories will be discontinued by Dallas E. Winslow, Inc., distributor, Detroit, under a stipulation.

The respondent company agrees to cease using the trade names Continental-DeVaux Parts and Service Division, Continental Automobile Company, or the names Continental or DeVaux or the word "division" in connection with any trade name, and to discontinue otherwise designating itself in a manner implying that it is in any way connected with Continental Motors Corporation and Continental Automobile Company, which formerly manufactured and sold automobiles under the name DeVaux and Continental, or that its business is conducted by them as a division of their establishment, when such are not the facts. (2352)

FTC CASE CLOSED

The Federal Trade Commission has issued an order closing without prejudice its case against The Crane Chocolate Company, 1225-1227 McGee St., Kansas City, Mo., charged with using lottery methods in the sale of candy to ultimate consumers.

In closing its case the Commission points out that the respondent company has filed with the Secretary of State of Missouri an affidavit of dissolution.

The case is closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 4, JANUARY 27, 1939

President Proposes New Radio Commission

President Roosevelt sent word to the Capitol this week that he wanted the present Federal Communications Commission dissolved and a new three man agency set up to administer the radio law. In a letter to the Chairmen of both Senate and House Interstate Commerce Committees, he also suggested the need for clear-cut Congressional policies on broadcasting, in short, an entire new Radio Act.

Senator Wheeler (D-Mont), Chairman of the Senate Committee, responded favorably at once to the suggestion that a new three man agency succeed the present seven man Commission. It was reported that the Senator would introduce very soon a brief amendment to the 1934 Communications Act, making definite changes. As to a general revision of radio law, Senator Wheeler was said to feel that Congress could move more slowly. Some of Mr. Roosevelt's most trusted advisors were said to be giving this matter a great deal of thought with a view to sending to Congress the Administration's ideas along this line at some future date.

Neville Miller, NAB President, said it was gratifying that the President had recommended that Congress lay down radio policies in new legislation "so clear that the new administrative body will have no difficulty in interpreting them". The President had put his finger on the core of the radio problem, Mr. Miller added.

"Through the National Association of Broadcasters, the radio broadcasting industry stands ready to cooperate with Congress, the President and the administrative agency in establishing a durable radio administration which will permit the future development of broadcasting to its fullest possibilities", Mr. Miller said.

At a press conference shortly after he had asked for new legislation, Mr. Roosevelt told reporters that the principal difficulty with the present radio law was its failure to announce any policy for the Federal Communications Commissioners to follow. The law should state definitely the radio policy of the United States, he said. Among the things the President felt the new law should deal with were the ownership of stations, newspaper ownership, and control of stations by chains.

Chairman Frank R. McNinch made the following comment on the President's proposal:

"I am wholly sympathetic with the President's proposal for a reorganization of the Commission. I recommended to the President some time ago that the Commission be reorganized."

Mr. McNinch conferred with Senator Wheeler and Representative Lea (D-Cal), Chairman of the House Interstate Commerce Committee, the day after they had received the

(Continued on page 3226)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

PRESIDENT PROPOSES NEW RADIO COMMISSION

(Continued from page 3225)

President's letter, and just before Senator Wheeler said that he favored the substitution of a three man agency for the present Commission.

The text of the President's letter follows:

"Although considerable progress has been made as a result of efforts to reorganize the work of the Federal Communications Commission under existing law, I am thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission. I have come to the definite conclusion that new legislation is necessary to effectuate a satisfactory reorganization of the Commission.

"New legislation is also needed to lay down clear Congressional policies on the substantive side—so clear that the new administrative body will have no difficulty in interpreting or administering them.

"I very much hope that your Committee will consider the advisability of such new legislation.

"I have sent a duplicate of this letter to Chairman Lea of the House Committee on Interstate and Foreign Commerce, and I have asked Chairman McNinch of the Commission to discuss this problem with you and give his recommendations."

The day after Mr. Roosevelt's letter was made public, Representative Connery (D-Mass.) and Wigglesworth (R-Mass.) introduced resolutions calling for sweeping House investigations of both the FCC and the broadcasting industry. Mr. Connery introduced a similar resolution last year. It died. Mr. Wigglesworth introduced a resolution last year calling for an investigation of the ownership of radio stock by FCC employees. It also died.

The only other measure of importance was a bill by Representative Celler (D-N.Y.) which would exempt broadcasters from liability for libelous and slanderous statements made on the air by others than station owners, operators or employees. (H. R. 2981).

MILLER ATTENDS MEETINGS AT PORTLAND, SAN FRANCISCO

Enthusiastic meetings at Portland and San Francisco greeted Neville Miller, NAB President, this week during his tour of the western districts.

C. W. Myers, KOIN-KALE, District 17 Director, presided at the Portland meeting after he and Mayor Joseph Carson had met Mr. Miller. After a thorough discussion of other important issues before the broadcasting industry, Mr. Miller set into the copyright problem, telling how he had appointed a lawyers' committee which hopes by June to have decided (a) on what terms the industry would negotiate with ASCAP in the future and (b) what would be done in the event that negotiations failed. After Mr. Miller finished his discussion, E. Claude Mills, ASCAP chairman of the administrative committee, talked to the broadcasters.

Arch Bright, KFPY, Spokane, presided at the sales managers meeting, at which Ed Kirby, NAB Public Relation Director, discussed the forthcoming campaign to promote the American System of Broadcasting.

Those registered at the Portland meeting:

C. W. Myers, KOIN-KALE, Portland; W. Carey Jennings, KEX, Portland; H. Q. Cox, KGW, Portland; John Egaw, KWJJ, Portland; Louis Wasmer, KHO-KGA, Spokane, Wash.; Jack Buchanan, KMO, Tacoma, Wash.; Glenn McCormick, KORE, Eugene, Ore.; Lee Bishop, KMED, Medford, Ore.; E. T. Irvin, KVI, Tacoma, Wash.; Vernice Irvin, KVI, Tacoma. Wash.; Dorothy Doernbecker, KVI, Tacoma, Wash.; C. O. Chatterton, KGW, Portland; B. F. Fisher, KOMO, Seattle, Wash.; Roy Hunt, KOIN, Portland; Ted Kooreman, KALE, Portland; Art Kirkharnd, KOIN, Portland; Clyde Phillips, KOIN, Portland; James C. Wallace, KAST, Astoria; Harvey Winson, KHQ, Spokane; Arch L. Bright, KFPY, Spokane; George H. Hager, KFPY, Spokane; Harry Spence KXRO, Aberdeen; Fred Goddard, KXRO, Aberdeen; Tom Olson, KGX, Olympia; H. T. Quilliam, KIRO, Seattle; E. D. Pedersom, KOL, Seattle; Archie Morton, KIRO, Seattle; Robert E. Priebe, KRSC, Seattle; J. Elroy McCaw, KELA, Centralia; Archie Taft, KOL, Seattle; T. W. Symons, KXL, Portland; Harry Read, KSLM, Salem; Frank H. Loggan, KBND, Bend (Ore.); Sheldon Sackett, KOOS, Cors Bay; J. A. Morton, KIRO, Seattle; Marshall Pengra, KRNR, Roseburg; Harry Benson, KOIN, Portland; Chas Couch, KOIN, Portland; Stanley Church, KOIN, Portland; Judge John C. Kendall, Portland.

Again at San Francisco, Mr. Miller discussed the copyright and other major industry problems. Guy Hamilton of the McClatchy newspaper-radio interests gave a talk on why his company was going into facsimile broadcasting. Howard Lane presided at the sales managers meeting, where Mr. Kirby again spoke of the NAB-RMA campaign.

Those at the meeting:

Les Hacker, KVEC, San Luis Obispo, Calif.; E. P. Franklin, KJBS, San Francisco, Calif.; C. J. Harper, KQW, San Jose, Calif.; Charles Whitmore, KTKC, Visalia, Calif.; C. P. Scott, KTKC, Visalia, Calif.; Henry M. Jackson, CBS, San Francisco, Calif.; Fred MacPherson, KRE, Berkeley, Calif.; John C. Clifton, KVEC, San Luis Obispo, Calif.; C. L. McCarthy, KQW, San Jose, Calif.; Art Westlund, KRE, Berkeley, Calif.; Lloyd E. Yoder, KPO-KGO, San Francisco, Calif.; Vann Conners, KQW, San Jose, Calif.; H. O. Feibig, KQW, San Jose, Calif.; Ralph Brunton, (Director) KJBS, San Francisco, Calif.; Howard Walters, KDON, Monterey, Calif.; Preston D. Allen, KLX, Oakland, Calif.; Wilt Gunsendorfer, KSRO, Santa Rosa, Calif.; William C. Grove, KSAN, San Francisco, Calif.; S. H. Patterson, KSAN, San Francisco, Calif.; S. W. Warner, KLS, Oakland, Calif.; F. Wellington, KLS, Oakland, Calif.; William B. Smullin, KIEM, Eureka, Calif.; Howard Lane, McClatchy Broadcasting Company, Sacramento, Calif.; William Pabst, KFRC, San Francisco, Calif.; Guy C. Hamilton, McClatchy Broadcasting Company, Sacramento, Calif.; Lou Keplinger, KARM, Fresno, Calif.; George Harm, KARM, Fresno, Calif.; Will Thompson, KROY, Sacramento, Calif.; W. B. Brunton, KJBS, San Francisco, Calif.; W. I. Dumm, KSFO, San Francisco, Calif.; Philip G. Lasky, KSFO, San Francisco, Calif.

MILLER URGES ADVERTISERS TO HELP IMPROVE PROGRAMS

Neville Miller, NAB President, urged American advertisers to join the broadcasting industry in continuing to improve programs, in a speech this week before the San Francisco Advertising Club.

"The American broadcaster more and more is regarding himself as a steward in the public interest—and rightly so," Mr. Miller said.

"He is responsible for what goes out over his station, even when you, the advertiser, produce the program and sign your name to it. Therefore, you share in this social responsibility and I know you will be the first to acknowledge it. It is up to the broadcaster and advertiser, jointly, to improve radio; to elevate tastes, if possible; to hold to existing standards while pioneer efforts are being made elsewhere in radio's program spectrum.

"At this time, American broadcasters are re-appraising our old program codes. Radio has moved with such amazing rapidity, it has opened up so many new social frontiers, that we believe it is time we take stock. In this important forward step we invite, we expect, we need, the support of all advertisers. You are no less concerned with improved program service than we are. A faulty program, whether sustaining or commercial, is no less damaging to you than it is to us, ultimately.

"The whole future of radio as a public service institution, and radio as an effective advertising medium, begins and ends in the program service we give.

"In the weeks ahead, you will hear much of the program study which the National Association of Broadcasters is making. It is, we believe, a sincere demonstration of radio's ability to regulate itself; a demonstration of American industrial democracy.

"We welcome your suggestions; we rely on your cooperation. Working together, we have been able to give American listeners the finest, most expensive radio entertainment and service in the world, at not one cent of cost to him. Working still closer together, we will be able to make still greater contributions, as competition, creative genius and incentive drive us forward to new areas of radio's undiscovered lands."

MILLER ON CBS

Neville Miller, NAB President, will speak Saturday afternoon at 5 p. m., Eastern Standard Time, from Los Angeles over a CBS network, NOT Mutual, as announced in the Reports of January 13.

FREE OFFERS

"Seth Parker" has asked stations using his Sunday night NBC commercial to plug that program with four ten-minute transcriptions Sunday afternoons.

"I feel that if we do this that we will increase the Seth Parker listening audience in your section and it will guarantee the program remaining over your station for a longer time," his letter said.

Advised of this request, the NAB immediately notified Philips H. Lord ("Seth Parker") that use of the transcriptions would be bad practice.

"If a station gave you free time, every evening program seven days a week would be entitled to the same treatment," the NAB letter added. "You readily can see what the result would be: a couple of hours every afternoon would be devoted to plugging programs to come that night.

"We hope to hear from you that you agree such a practice would be a dangerous precedent and might make for 'bad radio.' "

The duPont Style News Service, New York City, is offering a script telling how Cellophane can be used in decorations, while Paramount Pictures, Inc., is offering two records of popular songs, each carrying a plug for Paramount movies. The NAB has advised both firms that use of their offers would constitute violation of the NAB Code of Ethics.

The NAB has notified the Elgin Distributors Company, Los Angeles, that the Code forbids the acceptance of their cost-per-inquiry proposition for selling electric razors.

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Labor

WAGNER ACT AMENDMENTS

The long-discussed A. F. of L. amendments to the Wagner Act were introduced this week by Senator Walsh (D-Mass.). They probably will provide the basis for a long, bitter fight before the session ends because conservative Southern Democrats and many Republicans alike agree with the A. F. of L. that the Act must be amended. The C.I.O. and many New Dealers, on the other hand say that there should be no changes.

Evidently seeking to gain employer support for the whole long list of amendments, the A. F. of L. drafted two which employer groups long have demanded. These would state the employer's right to express his opinion about unions, so long as he does not threaten his employees with any punishment for joining; and give the employer the right to petition for an employee election, in cases of dispute about the proper collective bargaining agency.

The others were aimed to prevent the NLRB from freezing craft unions out of industries where workmen of more than one craft were employed; to prevent the board from invalidating contracts without hearing from all parties involved; and to protect both employers and employees from alleged "bias" on the board's part.

AFRA STRIKE

Emily Holt, AFRA Executive Secretary, told the NAB on Thursday that the threatened strike against advertising agencies might come "at almost any time."

However, Mrs. Holt is dickering with several agencies, and she will not likely call out her members as long as there is much hope of signing up some of the larger ones.

She said that P. K. Wrigley and agencies which handle some of his accounts had come to terms in Chicago. This was the first break in the agency front.

AFRA, an A. F. of L. affiliate, is asking for higher wages.

WAGE AND HOUR ACT

If you have a contract with a technicians' union, if that contract calls for 2,000 hours or less work each year, and if you obtain a certificate from the National Labor Relations Board that your union is "bona fide," you need not pay time and one-half for overtime under the wage and hour act. *(Section 7B2.)*

Two thousand hours amounts to 50 weeks of 40 hours each. Many contracts with the I. B. E. W. (A. F. of L.) and the A. C. A. (C. I. O) provide for this number, in that they call for two weeks' vacation with pay each year.

The Labor Board announced this week that it would certify as bona fide any union which it has certified as a collective bargaining agency at any time, unless it found some good reason to reverse its stand in particular local cases. Both the I. B. E. W. and the A. C. A. have been certified many times. The Associated Broadcast Technicians also has been certified.

All this is not of a great deal of importance, however, because most contracts that have come to the NAB's attention provide for time and one-half for overtime.

AFRA CERTIFIED

The National Labor Relations Board has announced certification of the American Federation of Radio Artists (A. F. of L.) as sole collective bargaining agent for staff actors, singers, and announcers and all free-lance actors, singers and announcers employed by Pulitzer Publishing Company, at Radio Station KSD, St. Louis, Missouri.

Included in the stipulated unit are minors but not "hill-billies." The company and the union and the Board entered into a stipulation on December 21, 1938, stipulating that the union represented a majority of the employees in the agreed-upon appropriate unit.

RADIO REPORTER ASKS FOR CAPITOL RECOGNITION

Fulton Lewis, Jr., Washington reporter for the Mutual Broadcasting System, applied this week for admittance to the House and Senate press galleries, from which broadcasting reporters have been barred. He sent the following letter to Alfred F. Flynn, chairman of the newspapermen's standing committee in charge of the galleries:

> I am addressing this to the Standing Committee of Correspondents through you as chairman.
>
> As you know, I have been engaged for more than a year in presenting, each night, over the coast-to-coast network of the Mutual Broadcasting System, a news program of events in Washington.
>
> I am not connected with any newspaper or press association, but gather my own information, prepare it, and personally deliver it over the Mutual network of 108 stations.
>
> I have studied carefully the rules governing the press galleries, on page 663 of the Congressional Directory, and I am able to comply fully with all the provisions in Paragraph 1.
>
> The question of my admission to the Gallery hinges on the Standing Committee's interpretation of the rules; i. e., whether it follows the broad and true purpose that Congress had in mind when the press gallery was established, or whether it follows the narrow and strict confines of the words, "newspapers or newspaper associations," which, of course, were stipulated in a day when no other form of news dissemination was envisioned.
>
> It would be very simple to circumvent this entire problem by merely assuming a newspaper connection, thus becoming eligible to the gallery on that score; but I feel that is mere evasion of a question which sooner or later must be met, squarely and honestly.
>
> I respectfully submit that except for the physical arrangement of letters which make up the words, "newspaper" and "radio," my daily function is precisely the same, in principle and theory, as that of any newspaper correspondent or press association representative. I gather news for the purpose of informing the public. I prepare that news, just as a reporter or correspondent prepares it. I transmit it over wires, to disseminating media in cities all over the United States, and each of these media delivers that news to its own local public. The only differences are:
>
> (1) That I use voice transmission from here to the distributing medium, whereas the newspaper or press association, for economic and practical reasons, usually uses mechanical telegraphic communication; as a matter of fact, in many cases, voice transmission (by telephone) is actually used by the newspapers. . . .
>
> (2) That instead of using the medium of ink pressed on paper and hand delivery, for which the public is forced to pay three to ten cents, in order to know what has transpired in its own Congress and Government—the news I collect is distributed by electrical waves and received by the public free of charge. (In this connection, I have many letters from listeners who say they cannot afford to subscribe to newspapers, and if they were not able to gather around the one radio in their village each afternoon, they would be unable to know what is transpiring in their Congress and Government.)
>
> I respectfully submit that the whole issue for your consideration hinges on these two points. And I also respectfully submit that your interpreation of these points must be determined by one of two points of view:
>
> (1) Whether the press gallery in the United States Congress was set up as a facility of free and honest government, to keep the American people informed on the developments of their servants in Congress . . . or . . .

(2) Whether it was an exclusive charter to the printing business, to forever hold a monopoly on the dissemination of news which transpires in the Senate and House of Representatives, and whether that charter was intended to exclude any and every other mechanical process for accomplishing the same objective, which might at any later time be developed by science.

I do not mean to convey by this letter that I believe the press gallery should be thrown open to any and all newscasters; in other words, to mere radio announcers, who receive prepared copy, and who only perform the mechanical function of reading that copy into a microphone. They are, to the radio medium of news distribution, what the printer or pressman is to the newspaper medium. There is no logical reason why they need the facilities of the press gallery.

But in all fairness and sincerity, I do believe that those representatives of radio who, like the news correspondents and reporters, gather their own news and prepare it for delivery to the public, are entitled to the same facilities as those correspondents and reporters.

The final question is whether radio shall be allowed to share the present facilities, or whether it shall be given equal but separate facilities.

I shall appreciate consideration of this application and an early reply concerning your decision.

McNINCH DISCUSSES FREEDOM OF THE AIR

Chairman Frank R. McNinch of the FCC delivered so important an address Thursday, January 26, at Chapel Hill, N. C., on "Freedom of the Air" that the text is printed below with the thought that each NAB member might like to give it careful study.

Mr. McNinch posed the question: What would the Bill of Rights have said about radio? Then he discussed the issue at length from his viewpoint, concluding that an eleventh item in the Bill of Rights might have "embraced adequate safeguards against the enactment of any legislation abridging the right of the people to hear all sides of any important public controversy."

The text of the speech:

Among the many complex problems involved in broadcasting, probably the most important one is that of safeguarding individual liberties and rights guaranteed by our Constitution. I go further and say that the problem is to safeguard not only the rights and liberties guaranteed by the Constitution but the rights and liberties which are protected by the spirit of the Bill of Rights, and which I doubt not would have been written into that charter of freedom had radio as we know it today existed then.

Let us attempt to answer the question—What would the Bill of Rights have said about Radio. We all know the story of the Bill of Rights. We know that the people of the Colonies, as a condition to the approval of our Constitution, insisted that it contain an explicit guarantee against interference with their precious individual rights and liberties.

Fundamentally the Bill of Rights provides for protection of individual liberties against governmental invasion. The first ten amendments to the Constitution are limitations upon the power of the Federal Government which prevent action in derogation of individual rights. They all possess the feature in common, that is, the rights which are protected are rights which every person in the United States possesses and is able to exercise. It is important to emphasize that the liberties protected by the Bill of Rights are individual liberties to be enjoyed by every person and not rights or liberties only capable of exercise by particular persons or by a select class or group.

It goes without saying that the framers of the Bill of Rights would have indignantly rejected any attempt by any person or group seeking special privilege, to have included in our fundamental law any guarantee of special privilege or right to a part of our people and a denial of that privilege or right to the rest of our people. The rights of individuals, which are protected under our Constitution, are only those rights which all individuals have and may exercise.

What further guarantee would the people of the Colonies have exacted as a condition to approval and ratification of the Constitution had radio been known in 1791? What individual rights would they have asserted and what protection for such rights would they have demanded against governmental use, regulation or control of this then unknown and unimagined medium of mass communication? If this problem had been before them, they would not have tried to reach a solution by labored analogy, but would have met it directly and squarely. I think we can and should meet the issue in the same way today. Parenthetically, I may say, that I have, in trying to deal with broadcasting, attempted to find analogies to illuminate the problems with which I have been confronted, and I am convinced that there is no analogy. The most important relation between broadcasting and anything else that we know about is one of essential difference rather than of similarity.

All of us know what broadcasting reception is. We know that through the use of receiving sets millions can and do at the same time hear the same sound, whether it be voice, instrumental music, or just plain noise. Those millions may be scattered over an area of square miles in extent. We know too that while every person in the United States is potentially a radio listener, the very limited number of frequencies for broadcasting makes possible only a handful of broadcast stations. There is only one broadcasting station for about every 175 thousand people in this country.

You know, of course, that broadcasting is only a small corner of the radio picture. While it is true that recent developments make it appear likely that the high frequencies and ultra high frequencies may play a major part in the future development and uses of radio, it is likely new and important uses for radio will be found, and that thus the demands for the facilities of radio will keep pace with scientific advances in this field. Today the medium frequency band of 2 thousand to 3 thousand kilocycles is providing service for police, government, ship, coastal harbor, aviation, relay broadcasting, and forestry service, and these services are rapidly extending. Navigation and aviation alike, as we know them today, would be impossible without radio. On Tuesday of this week eight ships at sea sent out distress calls with potential disasters imperiling the lives of passengers. The day before ten lives were snatched from certain death in an angry sea when the British seaplane Cavalier radioed the single word "sinking." Instantly the combined forces of the Army, Navy, Coast Guard, Merchant Marine and the airline companies went into immediate action to rescue the imperiled. International communication without radiotelephone and radiotelegraph service would hardly be able to meet present-day demands. Modern crime prevention and detection are to a large degree dependent on radio. I am not confiding any state secret when I tell you that our plans for national defense are to a very considerable extent built around radio. You all know at least something of the services rendered by our radio amateurs in times of disaster. In the field of broadcasting itself, that is, in the field where intelligence is disseminated to the general public by radio waves as distinguished from communications not intended for general reception, more and more space in the ether will be necessary for television, facsimile broadcasting, and other kindred uses.

It may be of interest to you to dwell for a few moments on these advances in the broadcast field which show promise of development in the very near future. Facsimile and television for some time now have been incubating in the scientific laboratories of the nation and have made rapid technical advancement in recent months.

Facsimile broadcasting, as the term implies, covers the broadcasting to the public and reception in the home or office of pictures, printed matter, drawings, or any material where a permanent record is desired. The Commission at the present time has licensed a number of stations to conduct facsimile broadcasting of this type. Such transmissions already include a small, compact, illustrated news bulletin.

The Commission is now seriously studying the problems involved in the regulation of television so that it will function as a public service. We are told that in Europe tremendous strides have been made toward the development of a television service for the general public. Let me assure you that the television demonstrations which have been made to members of the Commission and its engineers, in the United States, are at least as good, if not better, than the service available abroad.

Returning to our problem again, we cannot approach it on the assumption that we are in a transition period which will shortly end with an unlimited number of transmitters available, so that every person who desires may broadcast. Instead, we must recognize that one of the essential elements of our problem is that there will always be hundreds of thousands more speakers and potential speakers than there are broadcast stations. The number of people who can broadcast over any of these stations is limited by the number of hours in the day, days in the week, weeks in the year, and years in a lifetime. Let us for the moment assume that every broadcast station operates twenty-four hours a day, every day in the year, and that during the period of its operation no time is devoted to anything but persons who desire to speak. If it be suggested that a right should be recognized and protected in every person to speak over the radio, simple arithmetic would make it plain that this right to speak would be only for a matter of seconds or minutes in a lifetime. I have no desire to do more than suggest the additional complications which would be involved if it were to be provided that every speaker have an area, and an audience of equal size.

In considering our rights as citizens of a free and democratic nation, we can be safely guided by our instinctive reactions to an attempt by some third person to control our conduct or our thinking. If someone, be he a spokesman in his own name or in the name of some organization or group, were to tell you that you could not attend a church of your own choice, you would not hesitate to assert your inalienable right to worship where and as you please. Religious freedom under our Constitution is a freedom possessed and enjoyed by every person. But if someone were to inform you that you could not speak over the radio on a given occasion, I do not believe you would feel that you were being deprived of an inalienable right.

An alternative to the recognition of a right in every individual to speak on the radio suggested quite frequently is that a right be recognized in a few people, who believe they have something of importance to say, to speak on the radio. Now, it is no part of our democratic system of government and certainly there was no disposition evidenced by the people who insisted on the inclusion of the Bill of Rights in our Constitution to make it a part of our system, that certain people by reason of their religious, political, social or economic views should have rights which other citizens do not have. Many people today, however, assert very vociferously that particular individuals have some peculiar or special right to broadcast because of the views that they desire to express or because of the organization they represent. No such claim of right can be supoprted without denying an equal right to many other citizens.

I cannot escape the conclusion that under our Constitution either all of us have an equal right to speak over the aid or none of us has any right to speak over the air. What I learned of democratic principles during my boyhood here in North Carolina makes it impossible for me to believe that my right or your right or the right of any person to speak depends upon his holding any particular view or any particular position. This, I take it, is the American view, and however much it may be belittled by some of our totalitarian neighbors, I for one thank God for it.

From what I have said I think you will all agree that there is not and cannot be any such thing as "free speech" for all our 140 millions of citizens to broadcast their ideas. Sheer physical limitations make this impossible. Nothing is clearer to me than that the use of the phrase, "free speech," as a label, connoting as it does to all Americans freedom of *all* to speak, to describe a situation where only those relatively few licensed by the Government and their necessarily limited number of permittees can speak at all, is highly misleading.

A basic necessity is that the Federal Government, in regulating broadcasting, make radio reception possible. It is necessary for the Government to make it possible to have regulated broadcast stations if broadcast service is to be available at all to the people of the United States, for obviously the electrical interference resulting from promiscuous operation of stations on any frequency with any power and at any time of day would produce nothing but chaos. Broadcasting stations are licensed and regulated primarily for the entertainment and information of our people.

In the United States where democratic ideals and principles are dominant, it is inconceivable that broadcast stations are licensed to serve a few select and privileged people as a medium of communication of their ideas to the rest of us. Can you doubt that the people of this country who insisted on the inclusion of the Bill of Rights in the Constitution would have insisted that neither the Government nor any special group selected or licensed by the Government should have the right to use, regulate or control the expression of ideas and dissemination of information by means of broadcasting in such a manner as to impose its or their views upon the people of this country? Any suggestion to the contrary would have been as repugnant to our people then as I am sure it is to our people today. Broadcasting cannot, as long as we retain the principles of our Constitution become a propaganda medium serving the interests of any administration, Democratic or Republican, or any political, religious or economic organization or any individual however rich or powerful to the exclusion of others. This does not mean that political, religious, economic or social questions may not be discussed over the radio without doing violence to our Constitution, nor does it mean that persons who are either biased or prejudiced may not be given opportunity to express their bias or prejudice over the radio. It does mean, however, that if any of these questions are discussed, a complete and rounded discussion of all important aspects of the controversy should be given for the benefit of all listeners. Whether such a presentation is achieved through debate or expression otherwise of opposing views is not material. The important and necessary requirement for the protection of the listeners is that all sides be given, if any side is given on any important controversial, social, political, economic, or religious question.

With respect to broadcasting, the one thing that every person in the United States possesses in common with every other person is the ability to hear radio programs. In the sense that this is something common to all persons, it meets one test which is met by the rights which are recognized and protected by the Bill of Rights. I have no hesitation in saying that if the need for protecting the right to hear had been as apparent to those people who insisted on a Bill of Rights as it is today, to us who observe conditions in countries where its existence is denied and in some of which, indeed, instead of a right to hear there is imposed upon the people an obligation to listen, they would have taken steps to include a guarantee protecting their rights as listeners. Perhaps it would have been an 11th Amendment, and would have embraced adequate safeguards against the enactment of any legislation abridging the right of the people to hear all sides of any important public controversy.

I personally have a very strong distaste for the idea that anyone, whether he be a high Government official or whether his command is backed by the persuasive power of economic coercion, can tell me what to say or what not to say. I equally dislike the notion that I or anybody else has the duty, the right or the obligation to tell anybody else what he may or may not say, whether it be over the air or on the street corner.

No matter how much I may disagree with the views expressed, I would never advocate that anyone be punished for expressing his views over the air on any side of a controversial question which is discussed over the air, nor hold it against a radio station for letting anyone express his views. But I have the strong conviction that no one should be allowed to have his particular views on a controversial subject broadcast to the exclusion of those holding different views. Unless all sides of an important controversial question are adequately given on the air, the listening public will be incompletely informed. I advocate, in fairness to all listeners, that they be permitted to hear all sides of an important question, and that licensees of broadcast stations or persons to whom they may give or sell time be prevented from taking an unfair, unAmerican, undemocratic advantage, by telling their side of a controversy to the public and preventing the other side of the story from being told as well.

I am convinced that broadcasters in America today have not and do not seek or desire to exercise any such power. I am equally sure that the Federal Government does not. I am no less sure that the people of the United States do not want either the Government or the broadcasters or the persons to whom broadcasters may permit the use of their facilities to debase to their own selfish purposes this great natural and scientific gift which should be used for the benefit of us all.

I am not very greatly exercised about any impending danger to our form of government or our national well-being resulting from what anyone may say over the radio however prejudiced or biased, so long as those who hear him also hear opposing views. I have far too much confidence in the intelligence, judgment, discrimination and fair mindedness of our people to see any menace in that sort of treatment of controversial questions. I fear the harm to the listening public which results not from what is said but from what is left unsaid. Far more dangerous, to my mind, than the use of broadcast facilities by persons for propaganda purposes, would be the attempt on the part of the Government or those in control of broadcast stations to suppress the expression of views contrary to their own. Our people are coming more and more to depend on radio for information. To provide listeners with only one side of a controversial question and prevent them from forming an informed, intelligent judgment by suppressing the views of the other side is as serious as the dissemination of false information.

In my judgment, there is profound confusion of thought in the minds of many whose honesty of purpose is seeking to protect civil liberties of the American people I do not question. Many well-intentioned persons hold to the mistaken notion that the right of free speech, which is protected by the first amendment, is involved in problems arising from a demand made for time on the air by persons or organizations. The problem is not one of free speech, but rather one of free and open discussion of all controversial subjects which may be discussed at all. In their zeal to protect what they consider to be individual rights, they overlook the rights of every individual as a listener in asserting the supposed right of a particular individual to talk. In so doing they are advocating, unwittingly I am sure, a theory which in its implications is subversive of all of our traditional American principles of individual rights and civil liberties.

I do not want to close without adverting to the question of censorship of radiobroadcasting. In this vital question I want no misunderstanding to exist as to my position. I am unalterably opposed to government censorship of broadcasting in any manner, shape or form. I do not think the government should directly or indirectly dictate what shall or shall not be said or who shall or shall not speak over the air on any public question.

A broadcaster's duty is to see that his station is never used by persons or groups especially interested in some public question in such a way that his station's listeners are left without sufficient information to make their own independent judgments on questions they should help to decide. The right to hear over the air all sides of a controversial question, if one side is presented, and protection from being required to listen to only one side of an important public question to the exclusion of all others, is what, in my humble opinion, the American people of Colonial days, if they had known broadcasting in those times, would have insisted upon in the Bill of Rights. It is also the right which the people of the United States today should enjoy, uniformly and fully.

MONOPOLY HEARING

CBS contracts with affiliates and programs were discussed at the FCC monopoly hearing. The day-by-day account:

JANUARY 19

Herbert V. Akerberg, Station Relations Director for CBS, was on the stand throughout the day, describing in detail the development of the contract between the network and affiliates and how the contract works in its present form. He recalled that the first contract, between United (Columbia's predecessor) and affiliates, lasted just three months. It provided that the network would provide the affiliate with 10 hours' service each week, commercial or sustaining, and pay the affiliate $500 a week. That deal, Mr. Akerberg pointed out, put the network in the red. In cross-examination, the right of affiliates to substitute local sustaining programs for network commercials was one of the most discussed topics. Mr. Akerberg said that affiliates had this right, and frequently used it. It previously had been stressed that the managers of CBS-owned stations had the same right, and also exercised it.

JANUARY 20

Gilson Gray, CBS Commercial Editor, was on the stand. The amount of time devoted to advertising in CBS commercials and children's programs were the topics in which the Commission appeared to express the most interest. Mr. Gray pointed out that the CBS policy called for a maximum of 10 per cent advertising after 6 p. m., and 15 per cent during the daytime, with 40 seconds additional for daytime 15 minute programs. From October 4, 1937, to January 2, 1938, daytime commercials contained 14.32 per cent advertising, while nighttime commercials contained 7.32 per cent. During the week of October 4, 1937, for example, only four programs "went over" for a total of 51 seconds. After CBS in 1935 adopted a new policy for children's programs, Mr. Gray said, it lost $1,250,000 in business because proposed children's programs did not meet CBS standards.

CBS, Mr. Gray said, had lost upward of $9,000,000 worth of business in all because of its program standards.

There was a great deal of discussion of the "Gangbusters" program, in which Commissioner Walker joined. Mr. Porter said the Commission had received a great many complaints from parents about that program and that "the viewpoint is taken by some educators in letters that we get that the program encourages crime." Mr. Gray said the "Gangbusters" program was not intended for children. At that point, Mr. Walker asked whether CBS had made any studies to determine whether children didn't listen more often to "adult" programs than they listened to those intended for children. Mr. Gray said the network had done this.

Mr. Walker: Well, do children actually listen to these programs that you put on as children's programs?

Mr. Gray: Yes, indeed.

Mr. W.: I know by experience they listen to some of these others, and I am wondering why you don't have your child psychologist examine into some of these others. . . .

Mr. G.: Mainly, as I stated, Mr. Commissioner, because we have felt that we shouldn't program all our programs day and evening, adult programs, purely from a child's viewpoint.

Mr. W.: Well, I am wondering whether as a matter of fact children, particularly boys from 9 to 13, aren't more inclined to listen to "Gangbusters" than they are to other programs which you want to style child programs.

Mr. G.: Not necessarily. Some of the children's programs have very large audiences.

Mr. Walker, a little later, again suggested that the network might try to find out how many children were listening to some adult programs and, in the same connection, to see what "objectionable" matter was in these.

Mr. Gray replied that if CBS did that, "we would put ourselves in the position of arranging all of our programs from the child standpoint." To that Mr. Walker said: "You might also put yourself in the position of protecting a good many children, might you not?" Later, Mr. Walker said: "I didn't intend to leave the impression that I thought programs ought to all be designed for children, but I did want to leave the impression that some of these programs like 'Gangbusters,' which comes on at hours when children will listen to them and when they would listen to them in preference to the programs which you want to design for children; that I think there is some duty there for the operation of your child psychologist, if you have one."

JANUARY 24-25

W. B. Lewis, vice-president in charge of programs, took the stand to discuss programs—a discussion that continued through most of two days. After telling the Commission that CBS employed 340 persons to work on programs alone, he described the functions of each department under him and then turned to their output, emphasizing the public service CBS was rendering. He disclosed that, in February, Columbia would add a new musical feature:

"There is a new program starting under the direction of Raymond Page, a new orchestra of 100 men which probably will be one of the finest orchestras ever brought together, of skilled radio men, and where the Philharmonic presents the best in serious music and the Saturday night Swing Session the best in pure jazz music, this orchestra is going to play with all the skill they know how and all the skill modern arrangers can give them, a great library of songs that fall between strictly classical and strictly jazz, and that will be as much of an innovation in an orchestra, I believe, as has been on radio."

In cross-examination the first day, Mr. Porter appeared to be particularly interested in the set-up of the various advisory boards and committees Columbia had engaged. Cross-examination continued the following morning, with emphasis on CBS policy for handling controversial issues and what was being done to develop new talent and new ideas.

Frederic A. Willis, assistant to the president, in charge of short-wave operations, then described what CBS was doing in his field, particularly with regard to programs directed to South America.

NAB REPORTS BINDERS

A limited supply of 1939 binders for the NAB Reports are available at headquarters at a price of $1.00 each, postpaid. All members have been sent one binder and will be billed on their February 1 statement.

DUES CLASSIFICATION BLANKS

NAB members that have not sent their dues classification blanks to headquarters are urged to do so immediately. It will enable our accounting department to send you a correct dues statement on February 1.

FEDERAL TRADE INDEX

There has been mailed to each member station, for insertion in the 1938 weekly Reports binder, a list, alphabetically arranged, of the Federal Trade Commission orders as printed in the weekly NAB REPORTS during 1938. It is hoped this index will be helpful in quickly finding FTC information on any firm or product named that appeared in last year's weekly NAB REPORTS.

FCC ON THE STAND

All of the members of the Federal Communications Commission were present on Monday at an executive meeting of the Subcommittee of the House Committee on Appropriations regarding FCC appropriations for the coming fiscal year.

However, Chairman Frank R. McNinch and Commissioner Walker were the only two Commissioners to be heard. Mr. Walker was on the stand in connection with the telephone report which was sent to the last session of Congress.

In addition to the Commissioners, various division heads of the Commission were heard on the appropriation, through which the Federal Communications Commission is asking for $300,000 more for the coming fiscal year than it has during the present year.

It is reported that Chairman McNinch was questioned in detail as to high power, newspaper ownership of broadcast stations, and the purge at the Commission. Details will be available when the appropriation bill is made public.

BROWN ACTING CHAIRMAN

Chairman Frank R. McNinch of the FCC named Commissioner Thad H. Brown, Republican, as acting chairman during Mr. McNinch's absence this week.

Legal

CONNECTICUT PROPOSES COPYRIGHT DISCLOSURE STATUTE

A bill was introduced in the Connecticut Legislature last week by Senator Enquist of Bradford, Connecticut, which requires full disclosure of all copyrighted musical compositions sought to be licensed within the state. The proposed legislation likewise prohibits blanket licensing at blanket fees unless users are granted the option of obtaining licenses on a use basis (per piece).

The bill provides that all copyright owners intending to sell, license or otherwise dispose of public performance rights in the state must first file with the Secretary of State a list describing each such musical composition. The information required includes the name, title and date of copyright; the number or other identifying symbol of the United States copyright office; the names of the author, the publisher, and the present owner. The objective stated in the bill is to fully advise persons in the state in order that they may "avoid being overreached by false claims of ownership and also avoid committing innocent infringement of said works."

Further provisions of the bill make it unlawful for two or more owners of copyrights of musical compositions to combine together for the purpose of issuing blanket licenses unless each individual copyright owner included in the group also shall make available each separate composition owned by him on a per piece basis. As a condition precedent to the issuing of blanket licenses by a combination, the bill provides that the per piece performance price must be filed with the Secretary of State with an affidavit of the copyright owner that the prices have been determined "by such copyright owner acting for himself and not, either directly or indirectly, in concert or by agreement with the owner or owners of any other copyrights." The bill permits "reasonable classifications determined by use and function of the users . . . with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications."

COURT OF APPEALS REVERSES FCC IN WKBB CASE

The Court of Appeals on January 23rd reversed the Communications Commission in the case of Sanders Brothers' Radio Station, licensee of WKBB. The Commission had granted the application of the *Telegraph Herald* for the construction of a station which would operate in competition with WKBB. The Court of Appeals based its decision on the fact that the Commission made no finding concerning the matter of economic injury. The opinion points out that WKBB has lost large sums of money in the past and states that "where it is shown that the effect of granting a new license will be to defeat the ability of the holder of the old license to carry on in the public interest, the application should be denied unless there are overwhelming reasons of a public nature for granting it."

SESAC LIST INCLUDES NEW PUBLISHERS

A new list of music publishers affiliated with the Society of European Authors and Composers, Inc. (SESAC), dated January 1, 1939, includes a number of new catalogues on which performing rights are claimed. The complete list as revised to January 1, follows:

ACCORDION MUSIC PUBLISHING CO.; New York
  including:
    DEIRO, PIETRO
ADLER (See EDITION ADLER)
ALBRIGHT MUSIC COMPANY (See NATIONAL MUSIC CO.)
ALFORD, HARRY L.; Chicago
ALTSCHULER, J.; Warsaw
AMERICAN MUSIC, INC. (See CROSS & WINGE)

APOLLO MUSIC COMPANY; New York
ARCT. M.; Warsaw
ASHMALL COMPANY, WM. E. (See McLAUGHLIN & REILLY CO.)

BARNES, A. S. and COMPANY, INC.; New York
BARWICKI, K. T.; Poznan
BEIRLY COMPANY (See CHART MUSIC PUBLISHING HOUSE, INC.)
BELMONT MUSIC COMPANY (See COLE)
BERGE MUSIC CO. (See McLAUGHLIN & REILLY CO.)
BRAUN, HUBERT J.; Chicago
BRAUN MUSIC CO. (See BRAUN, HUBERT J.)
BRAUN ORGANIZATION, THE (See BRAUN HUBERT J.)
BROADCAST MUSIC PUBLISHERS (See NATIONAL MUSIC COMPANY, INC.)
BRYANT MUSIC COMPANY; New York

CALUMET MUSIC CO. (See COLE)
CATHOLIC MUSIC PUBLISHING COMPANY (See McLAUGHLIN & REILLY CO.)
CHART MUSIC PUBLISHING HOUSE, INC.; Chicago
  including:
  BEIRLY COMPANY, ALFRED
  COANACHER, B.
  HUFFER PUBLICATIONS, FRED. K.
  LITTIG MUSIC PUBLISHING CO., FRANK
  WARDE COMPANY, HARRY
  WESTERN ACCORDION MUSIC COMPANY
COANACHER, B. (See CHART MUSIC PUBLISHING HOUSE, INC.)
COLE, M. M., PUBLISHING CO.; Chicago
  including:
  BELMONT MUSIC COMPANY; Chicago
  CALUMET MUSIC COMPANY; Chicago
  HAPPY CHAPPIES LTD. (See VINCENT, HOWARD & PREEMAN, LTD.—VINCENT and HOWARD, LTD.—PREEMAN, MORSE M.)
  MODERNE EDITION (See MODERNE PUBLICATIONS)
  MODERNE PUBLICATIONS; Chicago
  also including compositions taken over from
  HEARST MUSIC PUBLISHING CO., LTD. OF CANADA
  VINCENT, HOWARD & PREEMAN, LTD.; Los Angeles
  VINCENT and HOWARD, LTD.
  PREEMAN, MORSE M.
COMPOSERS PRESS, INC., THE; New York
CROSS & WINGE, INC; Portland, Ore.
  including:
  MASTER MUSIC MAKERS; Portland
  AMERICAN MUSIC, INC.; Portland
  WESTMORE MUSIC CORPORATION; Portland
CULLA, ANTONIO; Barcelona
  (compositions as per list issued)

DAHLQUIST PUBLISHING COMPANY (See MUSIC PRODUCTS CORPORATION)
DEIRO, PIETRO (See ACCORDION MUSIC PUBLISHING CO.)
DE VAIGNIE MUSIC CORPORATION (See NATIONAL MUSIC COMPANY, INC.)
DI BELLA, O.; New York

EDICIONES RODOCH (C. RODRIGUEZ); Bilbao
  (compositions as per list issued)
EDICIONES A. URMENETA; Barcelona
  (compositions as per list issued)
EDITION ADLER; Berlin
  (Successor, HEINRICHSHOFEN'S VERLAG; Madgeburg)
EDITION "JASTRZAB"; Warsaw
  including:
  RUDNICKY, WALERY; Warsaw
  "W.J.R."; Warsaw
  RZEPECKI, J.; Warsaw
EDITIONS FERMATA (See EDITIONS INTERNATIONALES FERMATA)
EDITIONS INTERNATIONALES FERMATA; Buenos Aires (South American Publications)
EDITIONS INTERNATIONALES FERMATA; Warsaw (European Publications)
EDITIONS "OLYMPIA"; Warsaw
EDITIONS PRO ARTE; Lwow-Warsaw

FAIRBANK COMPANY, H. W. (See NATIONAL MUSIC CO.)
FERMATA (See EDITIONS INTERNATIONALES FERMATA)
FORBERG, ROB.; Leipzig
  INTERNATIONAL EDITION; Leipzig

GEBETHNER & WOLFF; Warsaw
GEHRMANS MUSIKFORLAG, CARL; Stockholm
GILBERT MUSIC COMPANY (See McLAUGHLIN & REILLY CO.)
GOSPEL MUSIC PUBLICATIONS (See HATHAWAY, FRANKLIN EARL)
GRABCZEWSKI, F.; Warsaw

HABERER-HELASCO, HERMANN; Madrid-Berlin-Lisbon
HALL & McCREARY CO.; Chicago
HANSON, EDDIE (See NATIONAL MUSIC COMPANY, INC.)
HAPPY CHAPPIES (See COLE)
HARMONIE-VERLAG; Berlin-Glarus (Switzerland)
HART'S MUSIC COMPANY (See NATIONAL MUSIC CO.)
HATHAWAY, FRANKLIN EARL, Music Publisher; Chicago
  including:
  GOSPEL MUSIC PUBLICATIONS; Chicago
HEARST MUSIC PUBLISHING CO. (See COLE)
HELASCO (See HABERER-HELASCO)
HOFFMAN COMPANY, RAYMOND A.; Chicago
HUFFER PUBLICATIONS, FRED. K. (See CHART MUSIC PUBLISHING HOUSE, INC.)

IDZIKOWSKI, LEON; Warsaw
INTERNATIONAL EDITION (See FORBERG)

JASTRZAB (See EDITION "JASTRZAB")
JEWEL MUSIC PUBLISHING CO.; New York

KEENE, INC., HANK; South Coventry, Conn.
KELMAN MUSIC CORP.; New York
KING MUSIC HOUSE, INC.; K. L.; Fort Dodge, Ia.
KJOS MUSIC CO., NEIL A.; Chicago

LEBENDIGER, HENRYK (See EDITIONS INTERNATIONALES FERMATA)
LITTIG MUSIC PUBLISHING CO., FRANK (See CHART MUSIC PUBLISHING HOUSE, INC.)
LITURGICAL MUSIC COMPANY (See McLAUGHLIN & REILLY CO.)

MASTER MUSIC MAKERS (See CROSS & WINGE)
McLAUGHLIN & REILLY CO.; Boston, Mass.
  including:
  LITURGICAL MUSIC COMPANY; Boston, Mass.
  CATHOLIC MUSIC PUBLISHING COMPANY; Boston, Mass.
  Also including composition taken over from
  WM. E. ASHMALL COMPANY; Arlington, N. J.
  BERGE MUSIC COMPANY; New York, N. Y.
  JOHN SINGENBERGER; St. Francis, Wisc.
  OTTO SINGENBERGER; Mundelein, Ill.
  GILBERT MUSIC COMPANY; Chicago, Ill.
MODERNÉ EDITION (See COLE)
MODERNÉ PUBLICATIONS (See COLE)
MORA, JOSE; Barcelona (compositions as per list issued)
MUSIC PRODUCTS CORPORATION; Chicago
  including:
  DAHLQUIST PUBLISHING COMPANY; Chicago

NATIONAL MUSIC COMPANY, INC.; Chicago
  including:
  ALBRIGHT MUSIC COMPANY; Chicago
  BROADCAST MUSIC PUBLISHERS; Chicago (See EDDIE HANSON)
  FAIRBANK COMPANY, H. W.; Chicago
  HART'S MUSIC COMPANY; Chicago
  POPULAR MUSIC PUBLICATIONS; Chicago
  SELECT MUSIC COMPANY; Chicago
  STANDARD MUSIC COMPANY; Chicago (See EDDIE HANSON)
  STANDARD SONGS; Chicago (See EDDIE HANSON)
  WINDSOR MUSIC COMPANY; Chicago
  also including compositions taken over from:
  EDDIE HANSON
  DE VAIGNIE MUSIC CORPORATION
NATTRASS-SCHENCK, INC.; New York
NOWA SCENA; Warsaw

OLYMPIA (See EDITIONS, OLYMPIA)
ORDUNA, LEOPOLDO; Barcelona
  (compositions as per list issued)

PAGANI, O., & BRO.; New York
PARKS COMPANY, J. A., THE; York, Neb.
POLSKIE TOWARZYSTWO MUZYKI WSPOLCZESNEJ; Warsaw
POPULAR MUSIC PUBLICATIONS (See NATIONAL MUSIC COMPANY)
PREEMAN (See COLE)
PRO ARTE (See EDITIONS PRO ARTE)
"PWP" PRZEDSTAWICIELSTWO WYDAWNICTW POLSKICH (ASSOCIATION OF POLISH PUBLISHERS); Warsaw

RADIO CITY GUITAR STUDIO; New York
RIALTO MUSIC PUBLISHING CO.; New York
RODOCH (See EDICIONES RODOCH)
RODRIGUEZ (See EDICIONES RODOCH)
RONDO-VERLAG; Berlin-Zurich (Switzerland)
RUDNICKI, WALERY (See EDITION "JASTRZAB")
RZEPECKI (See EDITION "JASTRZAB")

SAJEWSKI, W. H.; Chicago
SCHMITT MUSIC COMPANY, PAUL A.; Minneapolis
SCHUBERTH, EDWARD, & CO., INC.; New York
SELECT MUSIC COMPANY (See NATIONAL MUSIC CO.)
SESAC PUBLICATIONS; New York
SEYFARTH, G.; Lwow
SINGENBERGER, JOHN (See McLAUGHLIN & REILLY CO.)
SINGENBERGER, OTTO (See McLAUGHLIN & REILLY CO.)
SMITH MUSIC CO., INC., WM. J.; New York
SOLUNASTRA (See HABERER-HELASCO)
STAHL, WM. C.; Milwaukee
STAMPS-BAXTER MUSIC COMPANY, Dallas, Texas; Chattanooga, Tenn.; Pangburn, Ark.
STANDARD MUSIC COMPANY (See NATIONAL MUSIC COMPANY, INC.)
STANDARD SONGS (See NATIONAL MUSIC COMPANY, INC.)

THORSINGS MUSIKFORLAG, ALFRED; Copenhagen
TOWARZYSTWO WYDAWNICZE MUZYKI POLSKIEJ; Warsaw

UNION DE COMPOSITORES; Barcelona, Spain (compositions as per list issued)
URGELLES, J.; Barcelona (compositions as per list issued)
URMENETA (See EDICIONES A. URMENETA)

VINCENT, HOWARD & PREEMAN (See COLE)
VITAK-ELSNIC CO.; Chicago

WARDE COMPANY, HARRY (See CHART MUSIC PUBLISHING HOUSE, INC.)
WARSZAWSKIE TOWARZYSTWO MUZYCNE (WARSAW MUSIC SOCIETY); Warsaw
WESTERN ACCORDION MUSIC COMPANY (See CHART MUSIC PUBLISHING HOUSE, INC.)
WESTMORE MUSIC CORPORATION (See CROSS & WINGE)
WINDSOR MUSIC COMPANY (See NATIONAL MUSIC CO.)
"W.J.R." (See EDITION "JASTRZAB")

YANGUAS, MARIANO; Madrid
(compositions as per list issued)

"ZAIKS" ZWIAZKU AUTOROW, KOMPOZYTOROW I WYDAWCOW; Warsaw
(Authors-Composers and Publishers Association of Poland)

SESAC also claims to control all performing rights to the compositions and works as indicated, of the following:

EULENBURG, ERNST; Leipzig (Symphonic Orchestral works)
FISCHER, VERLAG, S.; Berlin (Radio plays)

GORDON, PAUL; Berlin-Paris (Radio plays, one act plays, sketches, scenes, skits, short stage plays and short operettas)

LIENAU'SCHE MUSIKVERLAGE; Berlin
including:
CARL TOBIAS HASLINGER; Vienna
H. R. KRENTZLIN; Berlin
MUSIKVERLAG HASLINGER; Vienna
MUSIKVERLAG ADOLF KOESTER; Berlin
SCHLESINGER'SCHE BUCH & MUSIKHDLG; Berlin
OTTO WERNTHAL; Berlin
(Symphonic Orchestral Works and Musical Dramatical Works)

REINECKE, GEBRUEDER; Leipzig
including:
JOH. FOERSTER; Pirna
GUSTAV HAUSHAHN; Magdeburg
J. LOEBEL; Zittau
RICH. NOSKE; Borna
(Symphonic Orchestral Works and Musical Dramatical Works)

SCHUBERTH, Jr., FRITZ; Leipzig (Symphonic Orchestral Works and Chamber Music)
STEINGRAEBER VERLAG; Leipzig (Orchestral Works and Chamber Music)

VIEWEG, CHR. FRIEDR.; Berlin (Orchestral Works, Chamber Music and Musical Dramatical Works)

Note: Foreign published editions of musical compositions and works originally published and copyrighted by American publishers are not to be deemed covered herein.

PROPOSED FEDERAL, STATE LEGISLATION AFFECTING BROADCASTING

The following bills have been introduced in the respective legislatures:

Congress

H. R. 2981 (Mr. Celler, N. Y.) LIBEL—SLANDER—Exempts station from liability for libel or slander when station proves the exercise of due care to prevent the utterance of such statements. Referred to Judiciary Committee.

H. R. 926 (Mr. Daly, Penna.) COPYRIGHTS—To amend and consolidate acts respecting copyright, including the creation of a copyright in recording artists for renditions reproduced on phonograph records, disks, sound tracks, or any other substances. Referred to Patents Committee.

H. R. 1964 (Mr. Luce, Mass.) COPYRIGHTS—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted. Same as S. 547. Referred to Patents Committee.

State Legislatures

Arizona:

H 7 (Carreon) SALES TAX—To amend the sales tax. Referred to Judiciary, County Affairs and Ways and Means Committee.

H 75 (Smith, McGowan) RADIO ADVERTISING—To amend limitation of election expense to include radio advertising, in the same manner as newspaper advertising.

California:

A 1018 (Burns) DRUGS—SALE AND ADVERTISING—Tightens up laws governing the fraudulent sale and advertising of drugs. Referred to Public Health Committee.

A 1147 (Atkinson) FOOD and DRUG ACT—FALSE ADVERTISING—To create a consumers protective commission under the Food and Drug Act to protect consumers against adulteration and false advertising, and furthermore provide for hearings on products and for advising public of findings. Referred to Public Health Committee.

Colorado:

H 177 (Cheever and Davis) POLICE RADIO SYSTEM—Making an appropriation for a survey for a state-wide police radio system. Referred to Appropriations Committee.

H 493 (Alden) THEATRICAL EMPLOYMENT AGENCIES—Relating to theatrical employment agencies and to amend sections 165 to 179, both inclusive, chapter 97, 1935. Colorado Statutes Annotated. Referred to Labor Committee.

H 602 (Kline) RADIO INTERFERENCE—To prohibit the installation, maintenance or operation or use of any electrical or mechanical device or instrument or facility which generates, or creates electrical interference with radio reception. Referred to State Affairs Committee.

H 618 (Kline) RADIO COMMUNICATIONS—Relates to reception, interception, publishing or divulging of radio communications . . . especially with reference to police or confidential radio communications. Referred to State Affairs Committee.

H 622 (Kline) RADIO—Regulating the use of short wave radio reception sets or devices. Referred to State Affairs Committee.

H 636 (Kline) RADIO—Prohibiting the use of short wave radio reception sets or devices except by the departments of the Federal Government, State and Municipal Police Departments, and other public governmental agencies. Referred to State Affairs and Reapportionment Committee.

H 749 (Strong) GROSS INCOME TAX—Imposes a tax on the receipts from gross income. This act replaces the income tax, the service tax and the sales tax. Referred to State Affairs Committee.

H 1095 (Griffith) SERVICES TAX—Relating to a tax on services. Amends Chap. 240, 1937 Service Laws. Referred to State Affairs Committee.

H 977 (Anderson) SERVICE TAX—Relating to additional public revenue and to amend Chapter 240, Session Laws of Colorado, 1937, and as so amended to reenact the same. Referred to Denver City Affairs Committee.

H 1022 (Baker) LIBEL—Relating to libel; to protect citizens in their legal rights; and to fix penalties for the violation thereof. Referred to Judiciary Committee.

H 1023 (Baker) LIBEL—Concerning libel and establishing a cause of action therefor in certain cases. Referred to Judiciary Committee.

S 417 (Ritchie) RADIO INTERFERENCE—Relating to the installation of any electrical device which causes electrical interference with radio reception. Referred to State Affairs & Public Lands Committee.

S 418 (Ritchie) RADIO INTERCEPTION—Relating to the reception, interception and publishing radio communications. Referred to State Affairs & Public Lands Committee.

Massachusetts:

H 832 (Boston Hotel Assoc.) MUSIC—PUBLIC PLACES—Providing for granting of licenses for holding on the Lord's Day certain concerts by innholders, common victuallers, eating places and other persons. Referred to Legal Affairs Committee.

H 901 (Bowker) RADIO BROADCASTING—Provides for regulating of radio broadcasting concerning libelous statements. Referred to Constitutional Law Committee.

Minnesota:

H 36 (Johnson) SMALL LOANS—Regulates small loan business ($300 and less); and advertising thereof, including broadcasting. Referred to Public Welfare Committee.

H 151 (McNulty) CREDITORS' CLAIMS—Exempting personal, chemical, radio and electrical equipment from claims of creditors. Referred to Public Welfare Committee.

H 184 (Brophey) RADIO PROGRAM REGULATION—Memorializing Federal Communications Commission to modify license of stations, allowing on programs persons under indictment for or convicted of felonious crimes.

New York:

A 74 (Cariello) (Same as S 181) SMALL LOANS—Makes violations relative to restrictions of advertising rates, terms or conditions for loans of $300 or less, as mindemeanor. Referred to Banks Committee.

A 276 (Garcia-Rivera) PAWNBROKERS INTEREST RATES—Requires pawnbrokers to express as interest rate, a rate per cent per annum on unpaid principal balances and all rates advertised, broadcast or published must express such rate. Referred to Judiciary Committee.

S 198 (Hastings) MUSICIANS—CIVIL SERVICE EMPLOYEES—Makes it unlawful for band or orchestra composed principally of civil service employees to furnish music at any function not connected with public department or bureau. Referred to Civil Service Committee.

S 181 (Farrell) (Same as A 74) SMALL LOANS—Makes violations relative to restrictions on advertising, display, publishing or broadcasting rates, terms or conditions for loans of $300 or less, a misdemeanor. Referred to Banks Committee.

S 200 (Hastings) MUSICIANS—SCHOOL—ORCHESTRAS—Makes it unlawful for band or orchestra connected with public school, college or institution to furnish music at function not connected with such school, college or institution except where no organized civilian band or orchestra exists and except for patriotic parades and celebrations of national holidays. Referred to Education Committee.

Oregon:

S 102 (Kenin) CIVIL RIGHTS—Guaranteeing all persons civil rights in public places.

Washington:

H 50 (Reilly) DEFAMATORY BROADCASTS—An act relating to the broadcast of defamatory matter over the facilities of radio broadcasting stations, and defining the liability therefor. Referred to Judiciary Committee.

Engineering Notes

MAN-MADE INTERFERENCE

One of the principal germs that attack the radio industry is man-made interference. Sparking commutators, poor joints on power lines, leaky insulators, neon signs, switches, telephone dialing, oil burners, electric razors, some business equipment, X-rays, electric arcs such as sun lamps, diathermic equipment used in hospitals and by doctors and hundreds of other electrical appliances to be found everywhere are all potential sources of severe interference to radio reception.

Up to date the effort expended to reduce the interference caused by such equipment has been spotty and spasmodic. Engineers have spent much time in devising circuits that would be free from these disturbances, but, on standard broadcasts, all these methods have failed. The reason is that these disturbances are radio waves, just as the waves from the transmitter. The receiver accepts all waves within a certain frequency band, including those from man-made electric impulses. The receiver can differentiate between the waves of one station and that of another, only because the waves are of different frequencies, but electrical impulses produce radio waves covering the whole broadcast band and more, so that wherever tuned, the receiver is likely to accept them and turn them into the background noise well known to radio listeners.

The existence of this man-made interference means that the broadcaster must lay down a signal strong enough to overcome it. In some places it is practically impossible to overcome this noise with any reasonable amount of power at the transmitter. In most cities it is much stronger than the other forms of disturbances, and therefore controls the amount of power needed to provide a good radio service, and consequently the initial investment and operating costs.

The National Association of Broadcasters is starting work in cooperation with other groups toward the reduction of interference.

Some interest was shown by Congress at the last session. A bill was presented giving the F. C. C. jurisdiction over equipment producing radio waves, but not necessarily used for communication. The bill was lost in the last minutes of legislative scramble and was not passed. It may be presented again at this session.

One of the most grievous forms of interference is that which comes from medical equipment. This interference is so important that a meeting was called recently to discuss that particular problem. The meeting is described below.

Methods of Reducing Interference

The best method to reduce interference is usually to locate its source and attack the cause there. In many cases, simple filter circuits between the equipment causing trouble and the associated circuits or lines will eliminate the trouble. In other cases, it is necessary to put a metal screen around the equipment, as well as to filter the power line. This elaborate method is the only one which will eliminate the interference from certain diathermic machines now in common use.

The British Standards Institution has made a study of methods of reducing intereference and has published a very complete booklet on the subject. It should be referred to by anyone interested in exact data on the filtering and screening recommended for electrical equipment, a host of which are covered in this booklet. It is entitled "British Standard Specification for Components for Radio-Interference Suppression Devices (excluding devices for traction equipment)" and may be obtained from the British Standards Institution, 28 Victoria Street, London, S.W.1 The number of the booklet is 613-1935.

Another attack on the problem is to use an aerial at the receiver, so located that it will receive a minimum of interference. For that purpose, the aerial should be coupled to a twisted lead by means of a transformer, and the other end of the twisted-wire line coupled to the set by another transformer. The twisted lead may be as much as several hundred feet long, so that the aerial may be located in a "quiet" spot. The antenna described is manufactured and made available in kit form by a number of the manufacturing companies in the field. These kits can be obtained at low cost from most radio retailers. It is found that a ground wire is usually better as a ground than a water pipe or the steel structure of the building. It is also found desirable to point the aerial toward the source of noise.

The Engineering Division of the NAB is taking steps to contact manufacturers of various kinds of equipment designed to reduce radio interference, as well as to contact power companies in an attempt to cooperate with them to reduce the interference produced along their systems. Electrical disturbances caused by loads connected to power systems frequently travel along the power lines for distances up to several miles, producing interference over wide areas. It is interesting to note that the Rural Electrification Administration of the Federal Government, in its later installations, is taking specific steps to test their installations for radio interference.

The first cooperative step with a whole industry has been made with the medical profession. A meeting was held for this purpose in New York on January 9, 1939.

Diathermic Interference

Diathermic interference, particularly troublesome in U. H. F. and television reception, is usually recognized by the noise characteristic of a thermionic tube excited with raw A. C. In the broadcast band, X-ray and ultra-violet lamps are some of the more common offenders. Some equipment, other than diathermic equipment, also produce this form of interference.

As the ultra-high frequencies are opening up to various forms of broadcasting, the interference from another type of medical machine, those used to produce heating of the tissues or of surgical knives, becomes even more important.

It was largely on account of such machines that a bill was prepared for Congress amending the present Communications Act by giving power to the F. C. C. to control equipment transmitting radio waves, but not necessarily used for communications. This bill was apparently forgotten in the last minutes of the last session of Congress, but may be reintroduced at the present session. In several countries there exists legislation controlling the degree of interference caused by diathermic machines. Canada, in particular, has quite rigid regulations on the subject and is putting them into force.

In view of this pending problem, Mr. Howard Carter, Secretary of the Council of Physical Diathermy, of the American Medical Association, arranged a meeting with the cooperation of the Engineering Division of the F. C. C. to discuss the nature of the interference caused by diathermic equipment and methods of reducing it. There were invited, at this meeting, representatives of the American Medical Association, doctors, manufacturers of diathermic equipment, radio manufacturers and broadcasters. Mr. Wilmotte represented the National Association of Broadcasters.

Mr. Jett, Chief Engineer of the F. C. C., was the first speaker. He explained that the Havana Agreement had recommended the allocation of 3 frequencies for diathermic equipment. These frequencies were 12, 25 and 50 megacycles. On studying the radio spectrum, he stated, however, that it would not be possible to allocate these frequencies because they were already available for services that were so important that they could not be changed. He referred to the bill presented at the last session of Congress and offered to cooperate in any way possible to reduce diathermic interference.

Mr. Jett was followed by Assistant Chief Engineer Ring, who demonstrated the effect of interference from diathermic machines located in the basement in a building some distance away from the room in which the meeting was held. The demonstration indicated the type of interference, well known to users of radio, that could be expected in the ultra-high frequencies, both on audio and television machines.

Mr. O. B. Hanson, Vice-President of NBC, stated that, in their television demonstrations, interference from diathermic machines had always been detectable and had, some times, made the demonstration impossible, even though the signal strength was of the order of ½ volt per meter. He indicated that a normally good signal for television would be of the order of 4 mv/m, and that, in quiet locations, it might be about 0.8 mv/m. The background noise should be 50 db. below the field strength. He then showed slides indicating the degree of interference that had been met by the NBC engineers, frequently making reception impossible. On the question of the part of the spectrum most affected, he pointed out that practically all the diathermic machines in New York operated within the television band allocated to NBC and CBS.

These statements of Mr. Hanson were corroborated by a representative of Philco.

Messrs. Beverage, of RCA Communications, and Pratt, of Mackay Radio, presented evidence showing the interference that diathermic machines produced on point-to-point communication.

Dr. Wheeler, Chief of the Technical Information Section of the F. C. C., explained that the only methods that were available at this time to reduce the degree of interference from diathermic machines were

1. screening of the room in which the instruments were used, and using line filters
2. allocating certain frequencies which should be kept to an accuracy of .05%.

He gave figures of the bands that were affected by diathermic interference covering the bands from 5 to 20 megacycles. The worst band appears to be between 12 and 13 megacycles where in a 24 hour period he found that 82% of the channels were affected at one time or another by diathermic interference.

In connection with the screening of rooms, Mr. Hanson stated that the cost of scereening a room with wire screening in the Rockefeller Center had been $89.00, including labor. The size of the room was 8′ x 10′ x 9′.

Mr. Horle appeared for the R.M.A. and expressed his desire to cooperate for any effort of the doctors and manufacturers to decrease the interference. Mr. Wilmotte, for the NAB, explained that as a consumer of diathermic interference, he could hardly believe that anybody would question the importance of this interference from the point of view of the broadcaster, and the service which this broadcaster was in duty-bound to render to some 26,000,000 homes in the United States. He also expressed his desire, and the desire of the National Association of Broadcasters, to do everything possible to assist in reducing the degree of interference, and to cooperate with manufacturers and users of diathermic equipment.

The medical profession were represented by numerous well-known authorities and surgeons. Most of them expressed their understanding of the problems that faced the radio industry and were willing to do what was necessary in order to reduce it, provided that the use of diathermic equipment in assisting the cure of diseases and sometimes in preventing death was not handicapped. They pointed out that the economic problem was a major element, for eventually the patient would pay for any extra cost that the hospitals or the private practitioner had to meet. The importance of diathermic equipment for the medical profession was dramatically presented by the use of a film showing cancer operations using diathermic knives. The presentation of the film drove many of the radio representatives into various shades of green, but there was no doubt left in their minds that, while the radio problems were important, it was also important to make diathermic machines as easily available to the public as possible. The statistical information presented indicated that there were 30,000 to 40,000 short wave diathermic machines in use valued between $15,000,000 and $20,000,000. It was believed that the X-ray equipment in use had a value of some $200,000,000.

The manufacturers of diathermic equipment expressed their desire for cooperation, but in one case at least seemed to be greedy in their request for frequency bands. One speaker requested band of width plus or minus 5% at the following wave lengths: 96 meters, 48 meters, 24 meters, 12 meters, 6 meters, 3 meters, 1½ meters and everything below 25 centimeters. He also wanted to be permitted to use damped waves as well as C.W. To support this request, he stated that it was generally believed that different frequencies produced different results and that damped waves were sometimes more favorable than C.W. The evidence on which these beliefs are based seems highly questionable, however.

Another speaker for the manufacturers requested that before the F.C.C. took any action in issuing rules that they be allowed to study the problem for 6 months from this date, and that eventually the manufacturers should be given 2 years to liquidate their stock and the doctors 8 years to change their equipment.

Finally, the meeting passed a resolution requesting the F.C.C. and the Council of Physical Diathermy to form a committee of all interested groups to study the problem of decreasing the interference from diathermic equipment.

(From the NAB Engineering Committee).

GRAPHS ON RADIO FREQUENCIES

Graphs which show the upper limits of radio frequencies usable at various seasons and times of day have been prepared by Newbern Smith, S. S. Kirby, and T. R. Gilliland of the Radio Section, National Bureau of Standards.

These "maximum-usable-frequency curves" are based on the extension, by these research workers, of vertical-incidence ionosphere measurements to the calculation of radio transmission over a distance. The graphs show the variation of the maximum frequencies that can be used for radio sky-wave communication over given distances with the time of day or year. The graphs also show the skip distances for all frequencies.

A general rule for selecting a frequency for practical radio communication over a given distance at a particular time is: Use the highest available frequency that will not skip. This is most important during daylight hours, because of the greater absorption at the lower frequencies.

The daily and seasonal variations of the ionosphere occur regularly, and the variations from year to year may be estimated at reasonable length of time in advance. To the extent that these variations are known, it, therefore appears possible to predict maximum usable frequencies for use on some future date. (From the Commerce Department.)

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission this week granted the application of the Eastern Carolina Broadcasting Company for a construction permit for a new station at **Goldsboro, North Carolina,** to operate on **1370 kilocycles,** 100 watts, unlimited time. The grant was made subject to the following condition: "The permittee herein shall file an application for modification of construction permit specifying the exact transmitter location, within two months after the effective date of this Order. If, for any reason, such application cannot be submitted with the time allowed, an informal request for extension of time must be submitted stating the necessity therefore."

It was found by the Commission in its decision that Goldsboro does not receive primary broadcast service from any existing station, and this is needed in the Goldsboro area. The Commission found also that the proposed station will receive sufficient advertising support from the merchants in Goldsboro to justify its continued operation and it was further found that there is sufficient talent in Goldsboro for the production of the proposed programs.

The Commission has granted the application of Station WMFD, **Wilmington, North Carolina,** to make changes in equipment and to increase hours of operation from 100 watts, daytime only, to 250 watts day, 100 watts night, and to continue operation on the present assigned frequency of **1370 kilocycles.**

In its decision, the Commission stated that there is need for primary nighttime service in Wilmington and that the station operating as proposed will not cause objectionable interference and will serve a more extensive area than before "except possibly in the direction of Goldsboro, N. C."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, January 30. They are subject to change.

Monday, January 30

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Renewal of license, **6080, 11830, 17780 kc.,** 500 watts, unlimited time.

W9XAA—Chicago Federation of Labor, Assignor, Chicago, Ill.—Voluntary assignment of license to Radio Service Corp. of Utah, assignee; **6080, 11830, 17780 kc.,** 500 watts, emission A-3, unlimited, according to Rule 983.

W9XAA—Radio Service Corp. of Utah, Saltair, Utah (Transmitter).—C. P., **6080, 11830, 17780 kc.,** 10000 watts, emission A-3, unlimited, according to Rule 983.

Thursday, February 2

ORAL ARGUMENT BEFORE THE COMMISSION

Examiner's Report No. I-742:

NEW—Clifton A. Tolboe, d/b as Citizens Voice and Air Show, Provo, Utah.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Provo Broadcasting Co., Provo, Utah.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-744:

KSAL—R. J. Laubengayer, Salina, Kansas.—C. P., **1120 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-747:

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md. (Studio).—Special experimental authority for satellite station, **1270 kc.,** 10 to 100 watts, unlimited, synchronously with WFBR.

Examiner's Report No. I-748:

KFRO—Voice of Longview, Longview, Texas.—C. P., **1340 kc.,** 1 KW, unlimited time (DA at night).

Examiner's Report No. I-750:

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Modification of license, **1200 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

FUTURE HEARING

During the week the Commission has announced the following tentative date for a future broadcast hearing. It is subject to change.

March 8

KFPW—Southwestern Hotel Co., Fort Smith, Arkansas.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KQW—Pacific Agricultural Foundation Ltd., San Jose, Cal.—Granted modification of C. P. to move transmitter site locally approximately 7½ miles, make changes in authorized equipment and install directional antenna system for day and nighttime operation.

W2XAF—General Electric Co., Schenectady, N. Y.—Granted modification of C. P. as modified authorizing use of frequencies **6190** and **21590 kc.**, in addition to frequency **9530 kc.** Frequencies **6190** and **21590 kc.** are granted upon the express condition that it is on a temporary basis only and subject to cancellation by the Commission without advance notice or hearing at any time. No authority contained herein shall be construed as a finding by the Commission that the operation of this station upon these frequencies is or will be in the public interest beyond the express terms hereof.

W6XBE—General Electric Co., San Francisco, Cal., Treasure Island.—Granted modification of C. P. as modified authorizing use of frequency **6190 kc.**,* in addition to frequencies now assigned to the station, make circuit changes, and extend commencement date to 60 days after grant and completion date to 180 days thereafter. (* Authority to use this frequency is granted upon the express condition that it is on a temporary basis only, and subject to cancellation by the Commission without notice or hearing at any time.

NEW—The Crosley Corp., Cincinnati, Ohio.—Granted license for new facsimile broadcast station on an experimental basis under the provisions of Rules 980-987 and 1040-1045 to operate on frequency **26000 kc.**, on an experimental basis only, conditionally, 1000 watts.

WREC—WREC, Inc., Memphis, Tenn.—Granted voluntary assignment of license from station WREC, Inc., to Hoyt B. Wooten, d/b as WREC Broadcasting Service; **600 kc.**, 1 KW, 5 KW LS, DA, unlimited time.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special experimental authority to operate simultaneously with station KTHS on **1060 kc.**, with 10 KW power, from 6 a. m. to local sunset at Hot Springs, Ark.; and from local sunset at Hot Springs to 9 p. m., EST; and to operate synchronously with station WJZ on **760 kc.**, with 2½ KW, employing DA from 9 p. m., EST, for the period ending August 1, 1939.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority to operate simultaneously with station KRLD, Dallas, Tex., on the frequency **1040 kc.**, with 50 KW, for the period ending August 1, 1939.

WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authority to operate on **850 kc.**, with 1 KW power, from daylight to sunset at New Orleans, for the period ending August 1, 1939.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority to operate simultaneously with station WTIC, Hartford, Conn., for the period ending August 1, 1939.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted extension of special experimental authority to operate on **1060 kc.**, with 10 KW, simultaneously with station WBAL, from 6 a. m. to LS daily, suspend until 8 p. m., and limited from 8 p. m. to midnight, for the period ending August 1, 1939.

KWJJ—KWJJ Broadcast Company, Inc., Portland, Ore.—Granted extension of special temporary authority to operate on **1040 kc.**, limited time and resume operation from 9 p. m. to 3 a. m., PST, for the period ending August 1, 1939.

KELO—Sioux Falls Broadcast Association, Inc., Sioux Falls, S. Dak.—Granted C. P. to install new equipment and increase day power from 100 to 250 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile (area of Tacoma, Wash.).—Granted C. P. for new relay broadcast station; frequencies **1646, 2090, 2190** and **2830 kc.**, 10 watts. Also granted license to cover same.

NEW—Salt River Valley Broadcasting Co. (Phoenix, Ariz.), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis only conditionally, 2 watts.

NEW—KUJ, Inc., Portable-Mobile (vicinity of Walla Walla, Wash.).—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis only conditionally, 7.5 watts.

WEVD—Debs Memorial Radio Fund, Inc., New York City.—Granted license to operate formerly licensed main transmitter of Station WEVD as an auxiliary at present transmitter location.

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Granted license to cover C. P. authorizing new station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Rule 137.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted license to cover C. P. authorizing new station to operate on **1200 kc.**, 100 watts, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted modification of C. P. to make further changes in equipment.

K6XCJ—Honolulu Broadcasting Co., Ltd., Portable-Mobile, Honolulu, T. H.—Granted modification of license to change authorized power without new construction from 20 to 12 watts.

NEW—Harry M. Ayers, Portable-Mobile (vicinity of Anniston, Ala.).—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 10 watts.

NEW—WOAX, Inc., Portable-Mobile (vicinity of Trenton, N. J.).—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 50 watts.

NEW—Tampa Times Company, Tampa, Fla. (Portable-Mobile).—Granted C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.**, 40 watts.

NEW—Paducah Broadcasting Co., Inc., Portable-Mobile (area of Paducah, Ky.).—Granted C. P. for new experimental relay broadcast station, frequencies **38900, 39100, 39300** and **39500 kc.**, on an experimental basis conditionally, 40 watts.

W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted application for reinstatement of a C. P. as modified for new fixed relay broadcast station on an experimental basis, frequencies **130000, 135000, 140000** and **145000 kc.**, on an experimental basis subject to change without prior notice or hearing, 250 watts; to be used to relay high fidelity programs using frequency modulation from a site in Boston, Mass., for a new multiplex broadcast service to be transmitted from a 50-KW experimental high frequency broadcast station located at Paxton, Mass.

WAUT—Evansville on the Air, Inc., Evansville, Ind., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 50 watts.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted license to cover C. P. authorizing move of old main transmitter to the new transmitter site of station WIRE, employing same as an auxiliary transmitter with a power of 1 KW, for emergency purposes only.

KOOS—KOOS, Inc., Marshfield, Ore.—Granted license to cover C. P. authorizing new equipment.

KOVC—KOVC, Inc., Valley City, N. Dak.—Granted authority to make changes in automatic frequency control apparatus.

WOCB—Cape Cod Broadcasting Co., Barnstable, Mass.—Granted modification of C. P. authorizing approval of transmitter and studio sites, installation of a vertical radiator, and changes in authorized equipment.

NEW—National Broadcasting Co., Inc. (area of Cleveland, Ohio), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station, frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis only conditionally, 2 watts. Also granted license covering same.

NEW—Northwestern Publishing Co., Portable-Mobile (vicinity of Danville, Ill.).—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 100 watts.

WAUQ—Onondaga Radio Broadcasting Corp. (Portable-Mobile), Syracuse, N. Y.—Granted license to cover C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.**, 50 watts.

W9XUG—Eugene P. O'Fallon, Inc., Portable-Mobile (vicinity of Denver, Colo.).—Granted license to cover C. P. for new relay broadcast station, frequencies **39700, 39900, 40800** and **41400 kc.**, on an experimental basis conditionally, power 0.8 watts.

W1XRZ—Hildreth & Rogers Co., Portable-Mobile (vicinity of Lawrence, Mass.).—Granted license to cover C. P. for new relay broadcast station, frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis only, conditionally, 10 watts.

W8XSC—Michigan State College, E. Lansing, Mich.—Granted C. P. to make changes in equipment and increase power from 15 to 50 watts.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—C. P. to make changes in equipment and increase day power from 100 to 250 watts. (Application set for hearing because of possible interference with existing stations.)

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—C. P. to make changes in equipment and increase day power from 100 to 250 watts. (Set for hearing because it would possibly cause interference to existing stations.)

WJMS—WJMS, Inc., Ashland, Wis.—C. P., already in hearing docket, amended so as to request operation on **1370 kc.**, 100 watts, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval. (Set for hearing because it would involve possible interference with existing stations.)

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P. for new station to operate on frequency **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. Requests facilities of station KVOS.

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P .to move transmitter site locally, exact site to be determined with Commission's approval; install new equipment; make changes in vertical radiator; change frequency from **1500 kc.** to **1340 kc.**; and increase power from 100 watts, 250 watts day, unlimited time, to 500 watts night, 1 KW day. (Set for hearing because it would involve possible interference.)

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P. to increase power and time of operation from 100 watts, daytime, to 100 watts, unlimited time. (Application set for hearing because it would involve possible interference.)

WQDM—Regan & Bostwick, St. Albans, Vt.—Modification of license to change time of operation from daytime only to daytime until local sunset at WHK, Cleveland. (Application set for hearing because it would involve increase in service.)

WEAU—Central Broadcasting Co., Eau Claire, Wis.—C. P. to make changes in composite equipment and increase power from 1 KW to 5 KW. (Set for hearing because of possible interference with Canadian Station CBM during winter months.)

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license to increase time of operation from 100 watts daytime to 100 watts unlimited time. (Set for hearing because of possible interference with existing stations.)

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P. for new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time; exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—M. C. Reese, Phoenix, Ariz.—C. P., already in hearing docket, amended so as to request operation on **1200 kc.**, with power of 100 watts night, 250 watts day, unlimited time.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., already in hearing docket, amended so as to request move of transmitter and studio sites locally; make changes in equipment; install DA system; change frequency from **1370 kc.** to **1120 kc.**; and increase power from 100 watts, 250 watts LS, to 500 watts, 1 KW day, employing DA system for nighttime operation.

KFVD—Standard Broadcasting Co., Inc., Los Angeles, Calif.—Application for modification of license to change power and time of operation from 1 KW, limited time, to 500 watts night, 1 KW day, unlimited time. (To be heard before the Commission.) (Set for hearing because of possible interference to existing station WHO.)

NEW—W. B. Greenwald, Topeka, Kans.—C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license to increase power and time of operation from 250 watts, daytime only, to 250 watts day, 100 watts night, unlimited time. (Application set for hearing to determine if possible interference would result.)

SPECIAL AUTHORIZATIONS

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted special temporary authority to operate during daytime hours with directional antenna for a period not to exceed ten days, beginning January 24, in order to enable the engineer to make additional measurements concerning the performance of the directional antenna system.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with WAZL from 10:30 a. m. to 11:30 a. m., EST, on February 17, in order to permit WILM to broadcast consecration of Rev. Dr. Arthur R. McKinstry.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted extension of special temporary authority to operate from 6 to 7 p. m., EST, daily during the month of February, 1939, in order to broadcast weather reports only, and no other broadcasts.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings for the period beginning Sunday, February 5, and ending no later than March 6, in order to broadcast certain educational programs.

WGN—WGN, Inc., Chicago, Ill.—Granted special temporary authority to use the WENR transmitter equipment located at Downers Grove, Ill., formerly used as main transmitter for stations WENR-WLS, and now used as auxiliary transmitter for WENR-WLS under Commission licenses, for a period of 30 days (beginning February 1 and ending no later than March 2), in order to give WGN an opportunity to move present transmitter equipment located 4 miles east of Elgin, Ill., to its new location pursuant to C. P.

KRAB—Mervel M. Valentine, Laredo, Tex.—Denied special temporary authority to operate from 2 to 3 a. m. for the period beginning today and ending no later than February 7, using power of 250 watts, in order to experiment with flooding ground system.

HEARING DOCKET

In the following case:

KTRB, Modesto, California.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event longer than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary license to contain the following clause: "This license is granted expressly upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken by the Commission upon the renewal application of this station. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station is or will be in the public interest beyond the express terms hereof."

In the following cases:

WESG, Elmira, New York; WJAG, Norfolk, Nebraska.—The Commission directed that the present license of the above-mentioned stations, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event longer than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary licenses to contain the following clause: "This license is granted on the express condition that it be on a temporary basis only and subject to such action as the Commission may take upon the licensee's pending application for renewal of license. No authority herein contained shall be construed as a finding by the Commission that the operation of this station is, or will be, in the public interest beyond the express terms hereof."

In the following case:

KWJJ, Portland, Oregon.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event longer than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary licenses to contain the following clause: "This license is granted on the express condition that it be on a temporary basis only and subject to the right of the Commission to make effective any changes or modifications herein which may be necessary in order to comply with any decision of the Commission which may be entered after hearing in any proceeding of which licensee was duly notified or in which licensee participated. Nothing contained herein shall be construed as a finding that the operation of the station is or will be in the public interest beyond the express terms hereof."

In the following case:

WHKC, Columbus, Ohio.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event later than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary license to contain the following clause: "This license is granted upon a temporary basis only, and upon the express condition that it is subject to whatever action may be taken upon the pending application of this station for renewal of license and upon the application of WKBN Broadcasting Company (B2-ML-577) for modification of license. Nothing contained herein shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof."

In the following case:

WMAQ, Chicago, Illinois.—The Commission directed that the present license of the above-mentioned station, expiring 3 a. m., Eastern Standard Time, February 1, 1939, be granted on a temporary basis only, and for the period ending in no event later than 3 a. m., Eastern Standard Time, August 1, 1939, said temporary license to contain the following clause: "This license is granted upon a temporary basis only, and upon the express condition that it is subject to whatever action may be taken upon the pending applications of this station for renewal of license and the University of Wisconsin (Station WHA) for construction permit (Docket 5373). Nothing contained herein shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof."

In the following case:

WLW, Cincinnati, Ohio.—Extension of special experimental authorization to operate with 500 KW day and night, using directional antenna system at night, for the period beginning 3 a. m., Eastern Standard Time, February 1, 1939, and ending 3 a. m., Eastern Standard Time, August 1, 1939.—The Commission directed that an extension of the above-mentioned station's existing special temporary experimental authorization be issued subject to the following condition: "This special temporary experimental authorization is granted on the express condition that it is subject to whatever action may be taken by the Commission upon the pending application of this station for renewal of special experimental authority. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station is or will be in the public interest beyond the express terms hereof."

LICENSE RENEWALS GRANTED

The Commission granted the following applications for renewal of broadcast station licenses:

KEX, Portland, Oregon; KFBI, Abilene, Kansas; KFVD, Los Angeles, California; KGDM, Stockton, California; KGU, Honolulu, Hawaii; KIEV, Glendale, California; KSOO, Sioux Falls, South Dakota; KTHS, Hot Springs National Park, Arkansas; KWKH, Shreveport, Louisiana; KYW, Philadelphia, Pennsylvania; WBAL, Baltimore, Maryland; WBT, Charlotte, North Carolina; WCAZ, Carthage, Illinois; WDZ, Tuscola, Illinois; WGAN, Portland, Maine; WGY, Schenectady, New York; WGY (Auxiliary), Schenectady, New York; WHAM, Rochester, New York; WHAM (Auxiliary), Rochester, New York; WHO, Des Moines, Iowa; WJJD, Chicago, Illinois; WJR, Detroit, Michigan; WJR (Auxiliary), Detroit, Michigan; WLAW, Lawrence, Massachusetts; WOV, New York, New York; WPTF, Raleigh, North Carolina; WPTF (Auxiliary), Raleigh, North Carolina; WSM, Nashville, Tennessee; WSM (Auxiliary), Nashville, Tennessee.

In the following cases:

WCBS, Springfield, Illinois; WGIL, Galesburg, Illinois; WKBB, E. Dubuque, Illinois; WLAP, Lexington, Kentucky; WMSD, Muscle Shoals City, Alabama.—The Commission directed that the applications for renewal of licenses of the above-mentioned applicants be granted for the period ending 3 a. m., Eastern Standard Time, July 1, 1939.

In the following cases:

W8XHV, The Evening News Association, Portable-Mobile; W3XEL, WFIL Broadcasting Co., Portable-Mobile; W5XCL, Tulsa Broadcasting Co., Portable-Mobile; W3XEM, WFIL Broadcasting Co., Portable-Mobile; W7XBH, Benson Polytechnic School (R. T. Stephens, Agent), Portable-Mobile.—The Commission directed that the applications for renewal of Relay Broadcast (experimental) station licenses of the above-mentioned applicants be granted for the period ending 3 a. m., Eastern Standard Time, December 1, 1939, subject to the following conditions and limitations: "This license is granted upon an experimental basis only, and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station upon the frequencies authorized is or will be in the public interest beyond the express terms hereof."

In the following case:

W4XFG, The National Life & Accident Insurance Co., Inc., Portable-Mobile.—The Commission directed that the application for renewal of relay broadcast (experimental) station license of the above-mentioned applicant be granted for the period ending 3 a. m., Eastern Standard Time, December 1, 1939, subject to the following conditions and limitations: "This license is granted upon an experimental basis only, and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station upon the frequencies authorized is or will be in the public interest beyond the express terms hereof."

The Commission granted the following applications for renewal of Television Broadcast (experimental) station licenses for the term beginning 3 a. m., Eastern Standard Time, Feberuary 1, 1939, and ending 3 a. m., Eastern Standard Time, February 1, 1940, subject to the following conditions and limitations: "This license is granted upon an experimental basis only, and upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing contained herein shall be construed as a finding by the Commission that the operation of this station upon the frequencies authorized is or will be in the public interest beyond the express terms hereof."

W2XAX, New York, New York; W2XBS, New York, New York; W2XBT, Camden, New Jersey; W3XAD, Camden, New Jersey; W3XEP, Camden, New Jersey; W10XX, Portable—Camden, New Jersey; W9XAL, Kansas City, Missouri.

MISCELLANEOUS LICENSE GRANTS

In the following case:

KGBU, Ketchikan, Alaska.—The Commission directed that the license of the above-mentioned station expiring 3 a. m., Eastern Standard Time, March 1, 1937, and heretofore extended at regular intervals on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following cases:

KUMA, Yuma, Arizona; WAPO, Chattanooga, Tennessee; WHLS, Port Huron, Michigan.—The Commission directed that the licenses of the above-mentioned stations expiring 3 a. m., Eastern Standard Time, January 1, 1939, and heretofore extended on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, pending receipt of and determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following case:

KUSD, Vermillion, South Dakota.—The Commission directed that the license of the above-mentioned station expiring 3 a. m., Eastern Standard Time, September 1, 1938, and heretofore extended at regular intervals on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following cases:

W3XPF, Springfield, Pa.; W3XE, Philadelphia, Pa.; W3XP, Philadelphia, Pa.; W9XK, Iowa City, Iowa; W9XUI, Iowa City, Iowa.—The Commission directed that the licenses of the above-mentioned Television Broadcast (experimental) stations expiring 3 a. m., Eastern Standard Time, February 1, 1939, be extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following case:

WAXG, Florida Capitol Broadcasters, Inc., Portable-Mobile.—The Commission directed that the license of the above-mentioned relay broadcast station expiring 3 a. m., Eastern Standard Time, October 1, 1938, and heretofore extended at regular intervals on a temporary basis to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

In the following case:

KVOS, Bellingham, Washington.—The Commission directed that the license of the above-mentioned station expiring 3 a. m., Eastern Standard Time, December 1, 1938, and heretofore extended on a temporary basis only to February 1, 1939, be further extended upon a temporary basis only, and upon the express condition that it is subject to whatever action may be taken by the Commission with respect to the pending applications of this station for renewal of license and the Bellingham Broadcasting Co., Inc., for construction permit (B5-P-2241), subject further to the condition that nothing contained in said extension of license shall be construed as a finding by the Commission that the operation of this station is or will be in the public interest beyond the express terms hereof, in no event longer than 3 a. m., Eastern Standard Time, April 1, 1939.

In the following cases:

W8XIG, The Evening News Association, Portable-Mobile; W6XLN, Ben S. McGlashan, Portable-Mobile; W5XN, Tulsa Broadcasting Company, Inc., Portable-Mobile.—The Commission directed that the licenses of the above-mentioned relay broadcast (experimental) stations expiring 3 a. m., Eastern Standard Time, December 1, 1938, and heretofore extended on a temporary basis to February 1, 1939, be further extended upon a temporary basis only, pending determination upon application for renewal of license, in no event longer than 3 a. m., Eastern Standard Time, March 1, 1939.

MISCELLANEOUS

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:30 to 11 p. m., CST, January 26, in order to broadcast Port Arthur High School Commencement Address.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., over station WJBY for the period ending in no event later than 3 a. m., EST, June 1, 1939.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted special temporary authority to operate with increased power (from 500 watts to 1 KW) from 9 to 9:30 p. m., CST, on Wednesdays and Thursdays, January 18, 19, 25, 26, and February 1, 2, 8, 9, 15 and 16, in order to broadcast educational talks.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.**, using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (January 4:45 p. m. and February 5:30 p. m., PST), for the period beginning January 23 and ending in no event later than February 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period January 23 to February 21, 1939.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period January 22 to February 20, 1939, pending arrangements and filing of application for C. P. to move station.

WGTM—WGTM, Inc., Wilson, N. C.—Granted special temporary authority to operate from local sunset (January 5:15 p. m., EST) to midnight on January 30, in order to broadcast President's Birthday Ball and other activities in connection with that event.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (February 6 p. m., CST) to 11:05 p. m., in order to broadcast the following: February 5, 12, 19, 26, church services; February 6, 13, 20, 27, American Legion meetings; February 1, 8, 15, 22, wrestling matches; February 4, 11, 18, 25, E. Texas Chamber of Commerce programs; February 3, 10, 17, 24, Community Jamboree, using 100 watts only.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from local sunset (February 5:45 p. m. and March 6:15 p. m., PST) to 11 p. m., PST, February 10, 11, 18, 24, and March 4, in order to broadcast University of Oregon basketball game.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast (experimental) station W2XUP, on the frequency **25700 kc.** in lieu of normal licensed frequencies, for the period January 18 to February 16, pending definite arrangements to be made in the ultra high frequency bands.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate high frequency broadcast station as licensed, for a period not to exceed 30 days, to retransmit the transmissions from general experimental station W2XCH, in connection with certain demonstrations and research being carried on by the two stations in the field of frequency modulation.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate relay broadcast station KSFM on frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.**, in addition to the normal licensed frequencies, for the period January 23 to February 21, 1939, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Seattle to Auckland, N. Z., and return by way of Hong Kong, China. Program material to be received by RCA Communications, Inc., receiving station at Point Reyes, Calif., for delivery to NBC network.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Denied special temporary authority to operate unlimited time for the period January 16 to January 31, owing to formal opening of station WCOV.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Granted authority to take depositions in re application for new station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WMBO—WMBO, Inc., Auburn, N. Y.—Granted petition to intervene in the hearing on the application of St. Lawrence Broadcasting Corp., Ogdensburg, N. Y., for C. P. for a new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time, on condition that petitioner comply with the Commission's rules by serving the applicant's attorney with copy of the petition.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted special temporary authority to conduct equipment test for the use of 5 KW power during daytime hours, for a period of 30 days, in order to eliminate interference from other radio stations and inclement weather conditions experienced in conducting tests during the regularly authorized testing period.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay broadcast station WCBN aboard the aircraft *Yankee Clipper,* owned by Pan American Airways Co., on the frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.,** in addition to the normal licensed frequencies, for the period ending no later than February 17, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda, Calif., thence to New York, London and return, and to be broadcast by CBS.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to operate from 7:30 p. m., EST, to the conclusion of basketball games between Toledo University and New York on January 27 and 30, 1939.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XPW authorized by modification of C. P. on the frequency of **43.4 megacycles,** with power output of 1 KW, for the period January 24 to February 22, pending definite arrangements to be made in the ultra high frequency bands.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (February 6 p. m., CST) to 9 p. m., CST, on February 5, 12, 19 and 26, in order to broadcast Sunday Evening church services.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted special temporary authority to operate from 9 p. m., EST, January 30, to 1 a. m., EST, January 31, in order to broadcast speeches and music of President's Birthday Ball.

W10XAP—National Broadcasting Co., Inc., New York City—Granted extension of special temporary authority to operate relay broadcast experimental station W10XAP, as licensed, for the period January 30 to February 8, as sound channel in association with the portable mobile television broadcast (experimental) station W2XBT.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted petition as by agreement between parties for dismissal of application without prejudice, for C. P. to increase power from 1 KW unlimited time to 1 KW night, 5 KW LS, unlimited time, install new transmitter and directional antenna for day, scheduled to be heard January 23.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted petition to modify deposition order by insertion of the words "or any other officer or officers authorized to administer oaths" following the name of the notary. This involves an application for change of frequency from **1370 kc.** to **880 kc.,** 250 watts unlimited with directional antenna (now has 250 watts daytime).

NEW—Thomas R. McTammany, Modesto, Cal.—Granted motion to dismiss without prejudice, the application for a new station to operate on **1340 kc.,** 250 watts, unlimited time, requesting facilities of KTRB.

NEW—William H. Bates, Jr., Modesto, Cal.—Granted motion to dismiss without prejudice, the application for a new station to operate on **740 kc.,** 250 watts, daytime only, requesting facilities of KTRB.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted applicant's petition to dismiss without prejudice, the application for C. P. to move transmitter and studio, install new transmitter, using directional antenna at night; change frequency from **1040 kc.,** to **1060 kc.,** and hours of operation from S-KRLD to unlimited.

WAAF—Corn Belt Publishers, Inc. (Transferor), and Ralph W. Dawson, et. al. (Transferees), Chicago, Ill.—Granted petition for leave to amend the application for consent to transfer of control of station WAAF.

WGH—James W. Baldwin, (Transferor), Daily Press, Inc. (Transferee), Newport News, Va.—Granted petition to reconsider and grant without a hearing, the application for consent to transfer control of corporation from James W. Baldwin to the Daily Press, Inc. (Station operates on **1310 kc.,** 100 watts, 250 watts LS, unlimited time).

KDNC—Democrat-News Co., Inc., Lewistown, Mont.—Retired to the closed files the application for modification of C. P., which requested extension of completion date for new station to December 3, 1938.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted special temporary authority to operate new transmitter as authorized by C. P., during daylight hours, for a period ending in no event later than February 18, in order to make field intensity measurements.

KSFM—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted special temporary authority to operate relay broadcast station KSFM, on frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.,** in addition to the normal licensed frequencies for the period January 28 to February 26, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Calif. to New York and Europe and return. Program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC network.

APPLICATIONS FILED AT FCC

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Extension of special experimental authority to use transmitter for transmission of facsimile signals from midnight to 6 a. m., PST, 1 KW for period 3-1-39 to 9-1-39.

630 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Construction permit to install new transmitter, make changes in directional antenna (for use both day and night), change frequency from **1250** to **630 kc.,** power increase from 1 KW to 1 KW night; 5 KW day, move transmitter from ½ mile N. W. of Venice, Ill., to near Washington Park, Ill. (Contingent on WGBF and KFRU).

650 Kilocycles

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a. m., CST, on **650 kc.,** 50 KW power, for period from 2-1-39 to 8-1-39.

900 Kilocycles

KSEI—Radio Service Corp., Pocatello, Idaho.—License to cover construction permit (B5-P-2159) for a new transmitter.

980 Kilocycles

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to install new equipment, change transmitter site from approximately 1.2 miles South of Saxonburg, Saxonburg-Culmerville Road, Butler County, Penna., to Middle Road, Indiana Twp., Penna. Amended: To give transmitter site as Clearview Road, at Route 8, Allison Park, Hampton Township, Penna.

1180 Kilocycles

KEX—Oregonian Publishing Co., Portland, Oregon.—Authority to transfer control of corporation from O. L. Price, Trustee (KGW and KEX), to the beneficiaries of the Pittock Will Trust, 470 shares common stock. Amended: To give beneficiaries as: Kate P. Hebard, Susan P. Emery, Caroline P. Leadbetter, Louise P. Gantenbein and E. B. MacNaughton (Trustee for: Virginia T. Thorsen, Marjorie P. McDougall, Barbara F. Pittock, Roberta P. MacNaughton, Fredrika F. Pittock and Henry L. Pittock) (old form).

1200 Kilocycles

WJNO—WJNO, Inc., West Palm Beach, Fla.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1210 Kilocycles

WGCM—WGCM, Inc., Mississippi City, Miss.—Modification of license to move studio from Great Southern Golf Club (East Beach, Gulfport), Mississippi City, Miss., to Hotel Markham, 14th St. and 25th Ave., Gulfport, Miss.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—License to cover construction permit (B4-P-1878) for changes in frequency, power, move of transmitter, and install new transmitter and directional antenna (night use).

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Modification of license to change hours of operation from shares with WGNY, WBRB and WGBB to shares with WGBB and WBRB (requests hours released by WGNY).

1250 Kilocycles

WGBF—Evansville On the Air, Inc., Evansville, Ind.—Construction permit to install new transmitter and directional antenna (for night use), change frequency from **630** to **1250 kc.,** power from 500 watts, 1 KW day to 1 KW night, 5 KW day, hours of operation from simultaneous day, shares with KFRU night, to unlimited time, and move transmitter from 10 miles north of Evansville, Ind., on U. S. Highway No. 41, to rural, Evansville, Ind. (contingent on KXOK and KFRU).

1270 Kilocycles

NEW—Broadcasting Corporation of America, Riverside, Calif.—Construction permit for a new station on **1270 kc.,** 250 watts, unlimited time. Amended: Re: antenna.

1310 Kilocycles

KRQA—J. Laurance Martin, Santa Fe, N. M.—Voluntary assignment of license from J. Laurance Martin to New Mexico Broadcasting Co. (form).

1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to install new transmitter, antenna changes, change frequency from **630** to **1370 kc.,** decrease power from 500 watts, 1 KW day, to 100 watts night; 250 watts day time from simultaneous day, shares WGBF night to unlimited time, move transmitter from 1200 Broadway, to site to be determined, Columbia, Mo. (contingent on KXOK and WGBF).

1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Penna.—Modification of license to increase power from 500 watts night, 1 KW day to 1 KW day and night.

1420 Kilocycles

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—Construction permit for a new station on **1420 kc.,** 100 watts night, 250 watts day, unlimited time.

1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in transmitting equipment, increase power from 250 watts to 1 KW and change frequency from **1430** to **740 kc.**

1500 Kilocycles

NEW—Frank A. Robinett, Trinidad, Col.—Construction permit for new station on **1500 kc.,** 100 watts night, 250 watts day, unlimited time (old form and not filed in duplicate).

MISCELLANEOUS

National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada, licensed to operate by the Canadian Government, which may be heard consistently in the United States.

National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to stations CFCF and CBL, (formerly CRCT), and the Canadian Broadcasting Corp.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Farnan Brass Works Company—See Mueller Company.

Hays Manufacturing Company—See Mueller Company.

Kitson Company—See Mueller Company.

A. Y. McDonald Manufacturing Company—See Mueller Company.

Mueller Company—A complaint has been issued charging five manufacturers with combining and agreeing to fix and maintain prices in connection with the sale of corporation stops and curb stops, a type of pipe fitting used in water works and gas systems and sold principally to municipalities and owners of public utilities.

The respondent companies, said to constitute substantially all of the manufacturers of such products in the United States, are Mueller Company, Decatur, Ill.; A. Y. McDonald Manufacturing Company, Dubuque, Iowa; Hays Manufacturing Company, Erie, Pa.; Farnan Brass Works Company, Cleveland, and Kitson Company, Philadelphia.

The complaint charges that the respondent companies, for the purpose of effectuating their agreement, have fixed and maintained the prices at which their products are sold; have fixed and maintained uniform terms and conditions of sale; have submitted uniform and identical bids to purchasers, and have used coercive measures to compel jobbers to maintain the prices fixed by the respondent companies. (3690)

Signode Steel Strapping Company—Use of contracts, which involve so-called exclusive dealing agreements in violation of Section 3 of the Clayton Act, is alleged in a complaint issued against Signode Steel Strapping Company, 2600 Northwestern Ave., Chicago, which maintains branch offices in New York, Boston, Philadelphia, Cleveland and San Francisco.

The respondent company is engaged in processing and selling flat steel strapping used in the wrapping and bundling of packages and boxes, and it manufactures, leases, and licenses the use of patented tools for stretching and fastening such flat steel strapping. The company also is a distributor of steel tying wire, and sells and leases machines in which the wire is used in the tying and bundling of boxes and packages.

The complaint charges that the respondent company leases and licenses the use of its steel strapping tools, and sells and leases its wire tying machines, on the condition or agreement that the lessee or licensees or other users thereof will not use the flat steel strapping or steel tying wire sold by any of its competitors. (3688)

STIPULATIONS

The Commission has entered into the following stipulations:

Automatic Chain Company, 116 Chestnut St., Providence, R. I., jewelry manufacturer, has entered into a stipulation to discontinue certain misleading representations in the sale of its products.

In its advertising matter or as a stamp, marking or label for neck chains or other articles, the respondent agrees to cease using the term "12Kt 1/20", either alone or in connection with the words "gold filled", or otherwise, when in fact the gold content of such mounting is other than 25/1000 fine gold or better.

The respondent also agrees to stop using the term "14K 1/10", either alone or in connection with the words "gold filled" or otherwise, when in fact the gold content of the articles so described is not 14K 1/10 or better and does not assay at least 52.5/1000 fine gold throughout.

The stipulation points out that in the jewelry trade the mark "12Kt 1/20" is understood to mean that one-twentieth by weight of the entire article is 12-carat gold, or that, on a fractional basis, the gold content is 25/1000 fine gold. The mark "14K 1/10" means that one-tenth by weight of the entire article is 14-carat gold, or, on a fractional basis, 58.3/1000. Allowing for a 10 per cent tolerance, an article so marked is deemed misbranded which does not have an actual fine gold content of 52.5/1000.

The respondent company stipulates that it will stop guaranteeing or otherwise representing that an article is gold filled or otherwise in strict accordance with the commercial standards issued by the United States Department of Commerce and approved by the American Standards Association, when such is not a fact. (2366)

Sidney Blumenthal & Co., Inc., 1 Park Ave., New York, and two of its subsidiaries, Saltex Looms, Inc., and Shelton Looms Distributing Corporation, have entered into stipulations to discontinue misbranding certain plush and pile fabrics which simulate furs in appearance.

Saltex Looms, Inc., is engaged in the manufacture of fabrics at Bridgeport, Conn., while Shelton Looms Distributing Corporation is the Pacific Coast distributing agency for the parent company.

The companies stipulate that in connection with the sale of plush and pile fabrics they will cease using, or furnishing others for their use, labels bearing the word "seal", either alone or with the word "Hudson", or any other words so as to imply that the products thus labeled are made from the fur of the seal, when such is not a fact. According to the stipulation, certain of the labels bear the picture of seals on an ice flow, and the companies agree to stop using such labels.

Under the stipulations, the companies further agree not to use labels bearing the word "Sealkin" or "molekin", or any other phonetic spelling or contraction of the words "sealskin" and "moleskin", so as to imply that the products to which such words refer are fabricated from the skin of a seal or mole, when such is not a fact. (2359-2360-2361)

Consolidated Specialty Company—Jacob Ruderman, trading as Consolidated Specialty Company, 364 East 54th St., Brooklyn, agrees that, in the sale of various articles of merchandise to ultimate consumers, he will discontinue the use of any lottery, alleged gift enterprise or scheme of chance whereby the article to be purchased and the price to be paid therefor are determined by lot or chance. (2364)

Co-operative Service—Donald A. Thomas, trading as Co-operative Service, 77 Swan St., Buffalo, N. Y., in the sale of a booklet entitled How to Make Money, agrees to cease representing that through its purchase one can obtain employment, or that the booklet is filled with practical information on obtaining jobs. (02309)

Dannemiller Coffee Company—See Joseph Victori & Company, Inc.

Dermique, Inc., 420 Lexington Ave., New York, will discontinue advertising its Beauty Sleep preparation by means of representations, the effect of which is to convey the idea that the product, when externally applied to the skin, will correct or remove wrinkles and lines over night or at all, regardless of the cause thereof, or will refine crepy skin and large pores or cause sagging contours to become firm or solid, when such are not the facts. (2370)

Mother Gray Company—Allen S. Olmsted, trading as Mother Gray Company, Le Roy, N. Y., in the sale of Mother Gray's Sweet Powders for children, will cease advertising the product as a competent remedy in the treatment of stomach disorders, headache, feverishness or colds, and will discontinue representing that use of the preparation tends to regulate the bowels, reduce fever and relieve headaches or stomach disorders, unless such malady or ailment is caused by temporary constipation. (02310)

M & M Bag & Suitcase Company—Meyer Brodie and Morris White, trading as M & M Bag & Suitcase Company, 26 Exchange Place, Jersey City, N, J., stipulate that they will cease marking, stamping, branding or otherwise designating their luggage by use of a picturization of the head or any other characteristic representation of a steer, cow, or animal so as to imply that the material of which the bags are made is in fact leather, the hide or skin of an animal tanned, tawed or otherwise dressed for use, when such is not a fact. (2367)

Neverlift Company, Inc., 6903 Woodlawn Ave., Chicago, vendor of a device known as Neverlift Iron Rest for easing the work of ironing clothes, agrees to cease representing that this product sells so easily on a one-minute demonstration that a sale is made on nearly every call, and that distributors can make 150 per cent profit, unless it is explained that the distributor must purchase the device in lots of 5,000 and sell them all at 50 cents retail in order to make the profit. The respondent company stipulates that it will not advertise its "Sample Offer Plan" as free so long as the recipient must buy a given number of the devices to obtain the "free" sample. (02306)

Perkins Products Company, 5535 West 65th St., Chicago, selling flavored, powdered soft drink bases designated Kool-Aid, agrees to stop using the words grape, cherry, strawberry or raspberry as descriptive of the flavors of those products which are synthetically flavored and do not contain flavoring made from the fruit or juice of the fruits named, unless, in each instance, the descriptive word is accompanied by a word or words in equally conspicuous type clearly indicating that the flavoring is synthetic or an imitation of the genuine fruit flavor. The respondent also agrees to stop employing the terms "fruity" or "purest ingredient" as descriptive of any product that is synthetically flavored to imitate the flavor of a fruit. (02312)

Permanent Concrete Products, Inc., Greenville, Ohio, manufacturer of concrete burial vaults, stipulates that it will cease using the word "permanent" in its trade or corporate name or in any other manner to imply that its vaults will give everlasting protection to either caskets or bodies encased therein, when such is not a fact. The company also will discontinue use of the slogan "100 Year Products" or of any representation referring to the durability or other qualities of its vaults in the absence of substantiating proof as to the truth thereof. (2362)

Plastex Company—F. C. Rath, trading as Plastex Company, 740 Rush St., Chicago, agrees to cease advertising that his booklet, "The Technique of Leg Wrapping," contains instructions for suitable or efficacious treatment of serious disorders of the leg or that the information in the booklet is based on intensive study by leg specialists. The respondent also agrees to stop representing that the application of a cloth boot, or bandaging, is a competent remedy in the treatment of old leg sores and other disorders of the leg. (02307)

Pope Laboratories—H. P. Clearwater, trading as Pope Laboratories, 20 F St., Hallowell, Maine, selling a counter-irritant ointment designated Joint Ease, agrees to cease representing it as a competent treatment for rheumatism or neuritis, unless limited to its palliative local relief from the discomforts of these conditions, and to desist from asserting that the preparation will relieve ailments of the joints, irrespective of location. (02308)

Premier Laboratories, Inc., Trenton, N. J., in the sale of face powder, agrees to cease representing through the use of over-sized cartons or containers or in any other manner that a substantially larger quantity or amount of powder is contained therein than is actually the case. (2365)

Monsieur Sakele—George A. Sakele, trading as Monsieur Sakele, 101 West 44th St., New York, stipulates that he will cease advertising unqualifiedly that Egyptian Sun Tan Creme is capable of preventing sunburn, freckles or dry skin and that his cosmetic products are the result of 5,000 years of experience. (02311)

Thermo Roller Corporation, 12 East 32nd St., New York, engaged in selling a device for reducing excess weight called the

Thermo Roller, will discontinue representing that use of the product eliminates excess weight and does more, in a few minutes, to remove fatty tissue than hours of strenuous and laborious exercise. The respondent admits in its stipulation that, according to reliable scientific authority, the use of its device will not in all cases effect a reduction in weight. The respondent company agrees to stop advertising that this roller provides a competent remedy in the treatment of arthritis, lumbago, sciatica, rheumatism, constipation or insomnia. (02314)

Joseph Victori & Company, Inc.—Two New York coffee dealers have entered into stipulations to cease misleading representations in the sale of their products. The respondents are Joseph Victori & Co., Inc., 164 Pearl Street, New York, and Dannemiller Coffee Company, 116 Thirty-Ninth Street, Brooklyn.

Both companies agree to cease employing the name Rico Cafe as a trade name or otherwise to designate a blend of coffees sold by them so as to imply that such product is Puerto Rican coffee or a blend thereof, when such is not a fact.

According to the stipulations, both companies distributed a blend of coffee advertised as "Rico Cafe, Blended and Roasted, Solivellas & Co., Sucrs., Yauco, Puerto Rico," when in fact, the coffee so designated was not produced in Puerto Rico, but was a blend of coffees imported from Central and South America and Arabia, and blended and roasted by Dannemiller Coffee Company at its plant in Brooklyn.

Joseph Victori & Co., Inc., agrees to discontinue listing or designating any coffee product as Cafe Rico which is not the actual blend of coffee packed and marketed by Cafeteros de Puerto Rico, a cooperative organization of Puerto Rican coffee blenders, who market a high-grade coffee under the trade name Cafe Rico.

Dannemiller Coffee Company agrees to stop representing, by means of labels or in any other way, that it is a blender and roaster of coffee in Yauco or elsewhere in Puerto Rico, when such is not a fact. (27371 and 2372)

Mme. C. J. Walker Manufacturing Company, Inc., Indiana Ave. at West St., Indianapolis, in the sale of Madam C. J. Walker Products, stipulates that it will stop representing its preparations advertised as hair growers by means of assertions implying that, when used on the scalp or hair, they will promote hair growth or prevent the hair from falling out or will accomplish these or other results when such assertions are contrary to medical or other evidence. The respondent agrees to cease advertising that its shampoo product, through application to hair or scalp, will nourish the hair through the roots thereof. (2373)

Woltra Company, Inc., 18 West 22nd St., New York, in the sale of dental floss, agrees to cease using on its labels, in its advertising matter, or otherwise, the word "Sterilized" as descriptive of its product so as to imply that it is sterile at the time of its purchase or will remain so until removal from its package. (2369)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Optical Company and Bausch & Lomb Optical Company, two of the largest manufacturers of optical goods in the United States, have been served with orders directing them to cease and desist from price discriminations in violation of the Robinson-Patman Act.

Respondents in the two cases are:

American Optical Company, a voluntary association, and its officers, who are: George B. Wells, president; Ira Mosher, vice president and general manager; Charles O. Cozzens and John M. Wells, vice presidents; Edward E. Williams, treasurer; A. Turner Wells, secretary; Albert E. Wells, chairman of the board, and American Optical Company, a corporation organized to transact business in certain states where the association does not operate, the corporation's capital stock being owned or controlled by the association, according to findings.

Bausch & Lomb Optical Company, Rochester, N. Y.; Colonial Optical Company, Inc., New York; McIntire, Magee & Brown Company, Philadelphia; Riggs Optical Company, Consolidated, Chicago; Riggs Optical Company, Inc., San Francisco; Southeastern Optical Company, Richmond, Va.; and the White-Haines Optical Company, Columbus, Ohio, the six last named respondents being wholesalers in which Bausch & Lomb owns a controlling voting stock interest.

Findings are that American Optical Company's products are manufactured at Southbridge, Mass., and distributed through 220 branch stores operating as wholesale outlets for adjacent territories. Bausch & Lomb Optical Company's products are distributed chiefly through the six respondent wholesaler corporations. These wholesalers, it was found, deal principally in Bausch & Lomb merchandise, their pricing policies are coordinated and controlled by Bausch & Lomb, and such merchandise is sold by each of them at uniform prices fixed by Bausch & Lomb. (3232-3233)

Bausch & Lomb Optical Company—See American Optical Company.

Cal-A-Mo Laboratories—Guy J. Banta, trading as Cal-A-Mo Laboratories, 706 South Hill St., Los Angeles, has been ordered to cease and desist from misleading representations in the sale of Cal-A-Mo Reducing Bath.

Under the order, the respondent is directed to cease representing that Cal-A-Mo is a reducing preparation containing ingredients which will get rid of excess fat or that by use of this preparation the user will be enabled to bathe off excess fat or float fat away.

A further representation prohibited is that Cal-A-Mo dissolves fat or penetrates the skin pores in such a manner as to cause loss of fat and reduction in weight, or that Cal-A-Mo contains any ingredient which has a medicinal or therapeutic value or effect in reducing weight or which affects the metabolism of fat, or that use of Cal-A-Mo is harmless in all cases.

Through use of the word "Laboratories" or any term of similar meaning as part of his trade name, the respondent is directed to cease representing that he owns, operates or maintains a laboratory for manufacturing, testing or experimenting with his preparation, until he actually owns and operates or directly controls a laboratory for such purposes. (3185)

Carter Carburetor Corporation, St. Louis, one of the largest manufacturers of automobile carburetors, has ben ordered to cease and desist from entering into contracts for the sale of its products and from granting preferential prices and discounts therefor, in violation of Section 3 of the Clayton Act.

The order requires the respondent company to cease and desist from making or renewing contracts with service stations or other retail dealers on the condition that they shall not use or deal in the products of a competitor of the respondent; from fixing prices to be charged or discounts to be allowed such purchasers on the same condition, and from notifying them that if they deal in competing products they will be required to pay a higher price for Carter products, or their service station contracts will be terminated.

The order prohibits the respondent from requiring any distributor or wholesaler of its products to engage in any of the foregoing practices; or to charge, or threaten to charge, for Carter products higher prices than would be charged if the purchaser did not deal in goods of a competitor of the respondent; or to terminate the service contract of, or refuse to sell to, any service station using or dealing in the merchandise of a Carter corporation competitor.

The Commission further ordered the respondent to desist from inducing or attempting to induce any service station dealing in such products to refuse to deal in the goods of any of its competitors or to terminate or violate any contract between such service station and a Carter competitor. (3279)

Columbia Refining Company, 4402 Twenty-third St., Long Island City, N. Y., distributor of motor oils and lubricants, has been ordered to cease and desist from making misleading representations in the sale of its products.

The order prohibits the representation, through use of the word "Refining" or any word or term of similar import and meaning, in corporate name, catalogs, advertising material or in any other manner, that the respondent company is a manufacturer or refiner of lubricating oils and greases, unless it owns and operates or directly controls a refinery in which such preparations are manufactured or refined by it. (3517)

Eastern Distributing Company—See Universal Trading Company.

Empire Distributing Company—See Universal Trading Company.

Kelvinator Corporation—See Ross Roy Service, Inc.

National Biscuit Company, New York, has been served with an order requiring it to cease and desist from certain practices found to be in violation of the Federal Trade Commission Act and of Section 3 of the Clayton Act, which prohibits exclusive dealing contracts.

The order directs that the respondent company cease entering into any contract, agreement or understanding with wholesalers, jobbers or other dealers in bakery and packaged food products to the effect that such dealers shall not deal in products of this class made by any one other than National Biscuit Company.

Under the order, the respondent company is to desist from agreeing to pay and from paying to such dealers commissions, discounts or compensation of any kind upon the agreement or understanding of such dealer that he shall not deal in the products of a competitor of National Biscuit Company.

The order further prohibits the making of any sale or contract for the sale of bakery and packaged food products for use, consumption or resale, or the fixing of a price charged therefor, or discount from, or rebate upon such price, on the condition, agreement or understanding that the purchaser thereof shall not use or deal in the goods, wares, merchandise, supplies or other commodities of competitors of National Biscuit Company. (3607)

National Products—See Universal Trading Company.

National Sales & Novelty Company—An order to cease and desist from the use of lottery methods in the sale of merchandise, including radios, to ultimate purchasers has been entered against J. A. Schwartz, trading as National Sales & Novelty Co., 1407 Diversey Parkway, Chicago.

The order requires the respondent to discontinue supplying to other push cards or other lottery devices for the purpose of enabling such persons to sell merchandise by the use thereof. The respondent also is ordered to cease mailing or shipping to his agents and to distributors or to members of the public lottery devices so prepared or printed as to enable such persons to sell or to distribute merchandise by the use of such lottery devices. (3253)

National Scientific Products Company—Harland L. Herb, trading as National Scientific Products Company, 644 Diversey Parkway, Chicago, is required to cease and desist from representing that his medicinal preparation designated Prostories is a remedy or cure, or a competent and effective treatment, for prostatitis or any other infections, diseases or disorders of the prostate gland. (3240)

Ross Roy Service, Inc., and Kelvinator Corporation, both of Detroit, have been served with an order requiring them to cease and desist from certain unfair methods of competition in the sale of books and literature containing statistical compilations for use of manufacturers in advertising their products.

The Commission's order requires the two respondent companies to cease and desist from representing that the statistical data or comparisons offered for sale by The Ross Roy Service, Inc., are authoritative and unbiased or that Ross Roy Service, Inc., is an independent organization not affiliated with any manufacturer, when in fact the cost of such publication or any part thereof is borne by the manufacturer whose product is used as a base for such data or comparisons.

The respondents also are ordered to cease disparaging, through the medium of advertising literature, or under the guise of statistical data, comparisons, or in any other manner, the products of competitors of those manufacturers whose products are used as a base for such comparisons. (3125)

Universal Trading Company—Prohibiting use of lottery devices in the sale of merchandise to the ultimate consumer, an order to cease and desist has been issued against Isidore Stein, 1453 East New York Ave., Brooklyn, trading as Universal Trading Company, Eastern Distributing Company, Empire Distributing Company and The National Products.

In the sale of comb and brush sets, flashlights, pen and pencil sets, cigarette cases and lighters, razor blades and other articles, the respondent is directed to cease and desist from supplying to others pull cards or other lottery devices to enable them to dispose of or sell merchandise by the use thereof. (3554)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W.
WASHINGTON, D. C.
Vol. 7, No. 5, FEBRUARY 3, 1939

McNinch Will Propose Radio Law Change

A draft of a proposed amendment to the Communications Act which would reduce the membership of the Federal Communications Commission from seven to three was expected to be the subject of a conference to be held within the next twenty-four hours between Chairman Frank R. McNinch of the Federal Communications Commission and Senator Burton K. Wheeler of Montana, Chairman of the Senate Committee on Interstate Commerce. While it is understood that a tentative draft of the bill has been completed, Chairman McNinch indicated that announcement of the text would not be made until after his conference with Congressional leaders.

The Senate Committee on Interstate Commerce reported favorably the nomination of Governor Norman S. Case to be a member of the Federal Communications Commission. President Roosevelt sent Governor Case's nomination to the Senate recently and the favorable report of the Committee is taken to mean that the appointment will be confirmed by the Senate.

Following the break-down of negotiations between the American Association of Advertising Agencies and the American Federation of Radio Artists, the Association of National Advertisers called a conference of national advertisers to discuss ways and means of averting a general radio strike. The conference appointed a committee of advertising agencies to continue negotiations with the radio artists' organization, looking toward an agreement. This committee asked the networks to assist in the negotiations and it is understood that they were persuaded to make a network program agreement with the Union, under which the agencies would be relieved from the necessity of signing a contract. As this issue of the NAB REPORTS went to press, negotiations were still in progress and the networks promised a public announcement upon the completion of negotiations.

Upon learning of the turn that negotiations had taken in New York, Neville Miller, NAB President, sent a telegram to the networks urging them to consider carefully the present and possible future affect of any contract that might be agreed upon on affiliates and suggested that the matter be discussed with the affiliates before any contract is signed. He pointed out that the Executive Committee of the NAB will meet next Thursday and that the Committee stands ready to assist in any way possible.

A resolution pledging whole-hearted cooperation with President Miller and the reorganized NAB was adopted by the members of the Sixteenth District at their meeting held in Los Angeles last Friday.

Following the Los Angeles meeting, President Miller proceeded to Mineral Wells,

(Continued on page 3248)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

McNINCH WILL PROPOSE RADIO LAW CHANGE

(Continued from page 3247)

Texas, where he spoke last Thursday at a well-attended meeting of the Thirteenth District comprising the state of Texas.

The Monopoly Investigation, which has been in progress since the middle of last November, continued during the current week with the Columbia Broadcasting System nearing the completion of the presentation of its data. It was expected that the Mutual Broadcasting System would commence its testimony sometime next week.

The Federal Communications Commission postponed from March 1st to March 15th the time for all licensees to file financial statements in accordance with Section 15.11 of the New Rules of Practice and Procedure which became effective January 1, 1939. The Commission announced that the new forms will soon be available for distribution to licensees.

McNINCH TO SEE WHEELER

Chairman Frank R. McNinch of the Federal Communications Commission expects to confer today with Senator Wheeler of Montana, Chairman of the Senate Committee on Interstate Commerce having jurisdiction over radio. It had been expected that Chairman McNinch would give the Senator a draft of a proposed bill which would change the number of the membership of the Communications Commission from 7 to 3. Last week, the Chairman had a conference with Senator Wheeler at which time it was announced that such a bill would be drafted for the Senator and delivered early this week. However, the matter has been delayed and it was reported Thursday that Mr. McNinch wanted to talk further with the Senator before presenting a final draft of the bill. It is expected that the bill will be drafted in the next few days.

A well founded report at the Commission is to the effect that the McNinch recommendations will only go into the question of reducing the number of members of the Commission and such other changes as are necessary to be made in those parts of the radio law which might conflict with a 3-man Commission. It is expected later that a second bill will be introduced in Congress which will take up some of the points suggested by the President as policy matters which could very well be incorporated in the law itself. The question of newspaper ownership, power, chain ownership of stations, and similar matters were suggested by the President at a recent press conference as policies which could well be laid down by Congress itself in the law.

Senator White of Maine has drawn a bill suggesting changes in the radio law. At present, he only has a rough draft of the bill and has stated that he has not definitely decided whether he will introduce it at this time or not.

Senator Sheppard of Texas this week introduced a bill (S. 1095) in the Senate to amend Section 303 of the Communications Act of 1934 dealing with the age of radio operators. His bill amends that section so that it will read as follows: "(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified: Provided, That the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned."

The Senate Committee on Interstate Commerce has ordered a favorable report on the nomination of Federal Communications Commissioner Norman S. Case.

MILLER'S AFRA WIRE TO NETWORKS

Upon learning of the turn the AFRA negotiations had taken in New York, President Miller from Mineral Wells, Texas, on February 2, addressed the following wire to John Benson, President of the American Association of Advertising Agencies, the Columbia Broadcasting System and the National Broadcasting Company:

> "Have been informed that CBS and NBC contemplate signing contract with AFRA this afternoon. Urge you to consider carefully present and possible future effect your action on affiliates and that matter be discussed with affiliates before contract is signed. Executive Committee of NAB will meet February 9 and stands ready to assist in any way possible."

MILLER ATTENDS MEETINGS OF 16TH AND 13TH DISTRICTS

Mr. Miller attended the Sixteenth District meeting held in Los Angeles, Friday, January 27th, presided over by Donald Thornburgh, Director of the District. An enthusiastic meeting was held and a resolution by Harrison Holliway, seconded by Leo Tyson, President of the Southern California Broadcasters Association, was passed pledging whole-hearted cooperation with President Miller and the reorganized NAB.

A resolution was also adopted urging all members in the Sixteenth District to pay the FREC assessment.

The meeting of the Thirteenth District (Texas) was held Thursday, February 2nd, at the Crazy Hotel, Mineral Wells, Texas. O. L. Taylor, director from the Texas District, presided. The meeting was well attended. President Miller spoke on the current problems facing the broadcasters.

Those in attendance were:

Martin Campbell, WFAA, Dallas; O. L. Taylor, KGNC, Amarillo; James R. Curtis, KFRO, Longview; Frank Smith, KXYZ, Houston; Carl Haverlin, Los Angeles, Calif.; E. P. Humbert, WTAW, College Station; Robert Brooks, Texas State Network, Fort Worth; J. Bert Mitchell, Jr., KGKL, San Angelo; Howard Barrett, KBST, Big Spring; Karl O. Wyler, KTSM, El Paso; L. E. Bredberg, KTSM, El Paso; Max Bentley, KRBC, Abilene; Bill Robertson, KRBC, Abilene; Lonnie Preston, KGKL, San Angelo; M. M. Valentine, KPAB, Laredo; R. W. Bennett, KPAB, Laredo; J. S. Sloan, KNEL, Brady; Marion Crawford, KNEL, Brady; Herbert Denny, Standard Radio, Dallas; DeWitt Landis, KFYO, Lubbock; Foster Fort, KCMC, Texarkana; Tilford Jones, KRIS, Corpus Christi; B. F. Orr, KTRH, Houston; Harold Hough, WBAP, Fort Worth; Ralph Nimmons, WFAA, Dallas; Herb Southard, WBAP, Fort Worth; Ken Sibson, KRGV, Weslaco; Harold C. Scott, KSAM, Huntsville; Jim Speck, KAND, Corsicana; M. E. Danbom, KGKB, Tyler; Gene Cagle, KFJZ, Fort Worth; Hugh Halff, WOAI, San Antonio; J. M. Moroney, WFAA, Dallas; Truett Kimzey, Texas State Network, Fort Worth; Kern Tips, KPRC, Houston; H. A. Hutchinson, Texas State Network, Fort Worth; Burton Bishop, KTEM, Temple; Frank Mayborn, KTEM, Temple; Sid Patterson, KPDN, Pampa; and Ray Barnes, KPDN, Pampa.

MONOPOLY HEARING

CBS witnesses continued to testify at the FCC monopoly hearing. The day-by-day account:

JANUARY 26

Paul W. Kesten, Vice President of Columbia, in general supervision of sales, sales promotion, engineering, television and other divisions, was on the stand all day. He described the functions of the various subdivisions under his supervision, including the objectives of the research department in relation to the needs of present and prospective clients; sales methods were covered in some detail, a copy of Columbia's contract with advertisers was introduced in evidence and its various provisions explained. Rates and the method by which they are determined were discussed and Columbia's method of classifying national advertisers was explained. Mr. Kesten stated that about $38,000,000 in advertising is placed with networks by the ten largest advertising agencies. He stated that the figures on spot time are not known, but that the amount of time bought locally is estimated to be about equal to the time bought on networks; that the second ten agencies purchase about $16,000,000 in network time; that 24.8 cents of each advertiser's dollar goes to stations. Columbia's activities in the field of television were described briefly. Mr. Kesten said that an RCA transmitter is used and that by the middle or end of this year Columbia will have spent about $1,350,000 in television.

JANUARY 27

Arthur Judson, President of Columbia Concerts Corporation, the principal CBS subsidiary rendering service to artists, described the organization of and methods used by the Concerts Corporation. He stated that this company at present serves about 375 cities while the NBC artists bureau serves about 200 cities in the United States and Canada. He denied that territory was divided between the Concerts Corporation and NBC, but explained that an effort is made to avoid disrupting the field for artists services by both operating in the same field. Mr. Judson stated that the Concerts Corporation owned 49 per cent of the stock of Columbia Management of California, a service division "organized to take care of artists in radio and moving pictures on the Pacific Coast." The remaining 51 per cent is owned by CBS. The history and development of the concert management business was traced from 1926 and the activities of the various organizations which ultimately were merged in the Concerts Corporation were discussed.

Arthur S. Padgett, auditor for CBS, testified that CBS owned 55 per cent of the voting stock and 128 shares of the preferred stock of the Concerts Corporation and that the remainder is owned by the individuals whose businesses were consolidated into the Concerts Corporation. He stated that, as of July 1, 1938, CBS's stock purchases and loans to Concert Corporation amounted to $548,340.43 and that CBS had received an average return on the investment of about 2 per cent.

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JANUARY 31

William B. Lodge, CBS engineer in charge of radio frequency division of the engineering department, stated that he agreed "in general with the statements made by Messrs. Jolliffe and Lent" relative to the historical development and background of the present allocation structure which is an outgrowth of the structure set up in 1928. He outlined the technical developments and improvements in transmitting and receiving equipment since 1928, stating that a modern 1 kilowatt station today could give the same service as a 40 kilowatt using the equipment available in 1928. He attributed to FCC General Order 116, which required stations to remain within 50 cycles of their assigned frequency, the equivalent of a twenty-five to one power increase and stated that, in the case of shared channels, when this is combined with the technical improvements in equipment, the result from the standpoint of listeners is equivalent to a one thousand to one power increase—that a one kilowatt station today could give as much service as a 1000 kilowatt station on a shared channel would have given in 1928. Mr. Lodge discussed other technical developments such as the automatic volume control which he said is helpful only where the signal is undistorted and is not subject to selective fading. Detailed explanations of CBS exhibits were given.

FEBRUARY 1

Mr. Lodge resumed testifying and continued his explanation of CBS exhibits. Cross-examination by FCC counsel consumed the greater part of the day. Mr. Frank Stanton, CBS director of research, who previously had testified, was recalled to the stand. He described the manner in which various CBS exhibits had been prepared and the source from which the material portrayed was obtained. Exhibits disclosing receiving set ownership, domestic set sales, nation-wide network gross billings, comparison of network and station-revenues, and other statistical data were admitted in evidence.

BROADCASTING INDUSTRY DATA FOR 1938

1939 Broadcasting Yearbook

The 1939 Broadcasting Yearbook reports that gross time sales of the industry in 1938 is estimated at $150,118,400, an increase of 4.2 per cent over the 1937 figure of $144,142,482. Though the increase from 1937 to 1938 is smaller than that experienced in past years, it is a notable increase because general advertising shows a decrease for the same period. The yearbook shows the following break-down for portions of the medium:

Radio Advertising Gross Time Sales (1938)

Portion of the medium	*Gross time sales* 1938	1937
Nat. networks	$ 71,728,400	$ 69,612,482
Reg. networks	3,620,000	3,530,000
Nat. and Reg. non-network	34,680,000	33,000,000
Local	40,090,000	38,000,000
Total	$150,118,400	$144,142,482

The yearbook also reports estimates of net time sales for the year 1938 at $122,890,000. This figure represents actual receipts from the sale of time after all discounts are deducted. The figure compares with $117,908,973 for 1937 as reported by the Federal Communications Commission tabulated from responses to their Order No. 38. A comparison of the 1938 estimate with the FCC 1937 figures by portions of the medium follows:

Radio Advertising Net Time Sales

Portion of the medium	*Net time sales* 1938	1937
Nat. networks	$ 57,880,000	$ 56,192,396
Reg. networks	2,970,000	2,854,047
Nat. and Reg. non-network	24,380,000	23,117,136
Local	37,660,000	35,745,394
Total	$122,890,000	$117,908,973

Local business received the largest gain from 1937 to 1938 of the various portions of the medium. Its percentage increase is 5.4. National and regional non-network increased 5.1%. National network and regional networks increased 3%. The entire industry increased 5.4%.

Radio Today

The January issue of *Radio Today* estimates that 6,000,000 radio sets were sold during the year 1938. 600,000 were exported, 800,000 were automobile radios and 4,600,000 were home radios. The following table sets forth estimates of radio sets in use as estimated for January 1, 1938, and January 1, 1939:

Radio Sets In Use

	Jan. 1, 1938	*Jan. 1,. 1939*
U. S. homes with radios	26,666,500	27,500,000
Extra and "second" sets in above	6,000,000	7,500,000
Automobile radios in use	5,000,000	5,800,000
Total radio sets in use, U. S.	37,666,500	40,800,000
Total homes with autos	18,500,000	19,000,000
Total residence telephones	12,000,000	13,250,000
Total homes with electricity	22,500,000	24,000,000
Total homes in U. S.	32,000,000	32,250,000
Population U. S.	129,500,000	130,600,000

Radio Today also included an estimate of the distribution of radio homes by states as follows:

Homes With Radios By States

Ala.	387,700	Maine	210,100	Okla.	463,400
Ariz.	81,100	Md.	366,600	Ore.	290,900
Ark.	264,800	Mass.	1,058,200	Pa.	2,266,300
Calif.	1,771,000	Mich.	1,164,300	R. I.	158,500
Colo.	243,500	Minn.	577,900	S. C.	211,300
Conn.	419,200	Miss.	215,000	S. Dak.	135,650
Del.	58,800	Mo.	849,300	Tenn.	469,400
D. C.	160,900	Mont.	116,500	Texas	1,073,600
Fla.	308,900	Neb.	294,000	Utah	113,000
Ga.	383,300	Nev.	29,900	Vt.	90,350
Idaho	100,700	N. H.	126,900	Va.	408,200
Ill.	1,912,100	N. J.	1,063,000	Wash.	452,300
Ind.	841,900	N. Mex.	63,800	W. Va.	355,200
Iowa	598,800	N. Y.	3,217,300	Wisc.	635,200
Kan.	380,300	N. C.	421,500	Wyo.	50,900
Ky.	514,900	N. Dak.	122,100	Total, U. S.	27,500,000
La.	308,500	Ohio	1,693,000		

PRINTERS' INK (Weekly)

Printers' Ink carries an extensive article in their January 26th issue entitled "1938 Advertisers." The article sets forth a comparison of advertising expenditures in network radio, general magazines and farm publications. The information is of particular interest to broadcasters because it further illustrates advertiser acceptance of the radio advertising medium. The article concerns itself with 42 advertisers who spent more than a million dollars each in the three media during 1938 and with 322 advertisers spending more than one hundred thousand dollars each during 1938. The following tables for these two groups of advertisers comparing 1938 with 1937 expenditures represents high commendation to radio:

	Totals	*Magazines*	*Radio*	*Farm*
The Million Dollar Advertisers				
42 Advertisers for 1938	$103,639,302	$48,816,566	$50,150,945	$4,671,791
Same advertisers for 1937	105,162,431	56,274,221	43,501,325	5,386,885
Amount of Change	$ 1,523,129	$ 7,457,655	$ 6,649,620	$ 715,094
Per cent of Change	— 1.4	— 13.2	+ 15.3	— 13.3
The One Hundred Thousand Dollar Advertisers				
322 Advertisers for 1938	$181,904,720	$103,963,386	$69,248,927	$8,692,407
Same advertisers for 1937	191,535,077	118,767,613	63,153,255	9,614,209
Amount of Change	$ 9,630,357	$ 14,804,227	$ 6,095,672	$ 921,802
Per cent of Change	— 5.3	— 12.4	+ 9.7	— 9.6

The figures used are drawn from Publishers' Information Bureau, Inc., of New York. The *Printers' Ink* article includes also an alphabetical listing of all the advertisers spending one hundred thousand dollars or more in the three media in 1938 with comparison with their 1937 expenditures. There is also included an industrial breakdown of the $140,372,925 spent in magazines in 1938 compared with the $162,148,656 for 1937. Magazine lineage figures are given for individual magazines for the years 1934 through 1938. Network billings are presented for NBC, CBS, and Mutual, 1934 through 1938 and a breakdown to industrial classifications for the year 1938.

OHIO STATE ASSOCIATION MEETS

The Ohio Association of Broadcasters met in Columbus, Ohio, Saturday, January 28. Joseph Miller, Director of Labor of the NAB, attended the meeting and discussed the Wage and Hour Law as it affects the broadcast industry. Great interest was shown in the various subjects on the agenda.

Those in attendance were:

H. H. Hoessly, Carl Everson, B. A. Manring, Bob French, WHKC, Columbus, Ohio.
J. H. Ryan, E. Y. Flanigan, Robert K. Richards, George L. Young, WSPD, Toledo, Ohio.
Neal A. Smith, Ed Bronson, WCOL, Columbus, Ohio.
J. L. Reinsch, D. A. Brown, WHIO, Dayton, Ohio.
Don Ioset, WBLY, Lima, Ohio.
R. C. Higgy, WOSU, Columbus, Ohio.
W. I. Orr, WBNS, Columbus, Ohio.
Walter A. Callahan, WLW, Cincinnati, Ohio.
Eugene Carr, WGAR, Cleveland, Ohio.
V. S. Pribble, WTAM, Cleveland, Ohio.
Sidney TenEyck, WSMK, Dayton, Ohio.
R. D. Borland, WHK-WCLE, Cleveland, Ohio.
W. P. Williamson, Jr., WKBN, Youngstown, Ohio.

"NO FREE AIR"

An article entitled, "No Free Air", will appear in the February 11 issue of the *Saturday Evening Post*. This item will be of interest to all broadcasters.

DISTILLED SPIRITS RESOLUTION

The following article appeared in the October-December 1938 "Repeal Review" published in Washington by "Repeal Associates, Inc.":

GIVE CREDIT WHERE CREDIT IS DUE

On December 13, 1938, the Board of Directors of the National Association of Broadcasters, representing 397 of the country's 700 broadcasting stations, unanimously adopted the following resolution:

> "RESOLVED: That it is the sense of the NAB Board of Directors that American broadcasting stations should not carry advertising for distilled spirits commonly called hard liquor."

It is understood that this resolution was passed upon the recommendation of the Chairman of the Federal Communications Commission, the official licensing board for all radio broadcasting stations.

In all probability the action of the National Association of Broadcasters will result in the elimination of radio advertising of distilled spirits.

Unquestionably in the near future we are going to see the organized Drys taking full credit for this "reform," and we venture to predict that they will insist that this is a move to punish the liquor industry for its sins.

As a matter of fact, this resolution of the National Association of Broadcasters does nothing more than carry out a policy recommended and adopted fully two years ago by manufacturing distillers.

On January 2, 1936, the Distilled Spirits Institute gave to the newspapers the following statement:

> "Manufacturing distillers—included in the membership of the Distilled Spirits Institute, Inc.—will discontinue advertising their products over the radio beginning January 1, 1936. This decision was reached after a thorough canvass of industry members, a preponderance of whom have never engaged in this form of advertising."

For this and other self-imposed regulations looking to the general good of the country, the liquor industry should be given not only credit but wholehearted and sympathetic public support.

Vituperations of the Drys to the contrary, the people in the alcoholic beverages business are human beings just like the rest of us. It would be endowing them with superhuman virtue to expect them to feel continued enthusiasm for self-regulation if when they voluntarily make sacrifices for the general good, they are treated to scorn rather than commendation.

NAB CONVENTION

The Association of American Railroads announced this week a special reduced round-trip rate from any point in the United States to both World Fairs (New York and San Francisco). A round-trip coach fare is $90.00; first class ticket, $135.00, plus regular sleeping or Pullman charges.

The NAB convention will meet on the Pacific Coast this summer. The dates will be announced shortly. It is not too early to make plans to attend the convention and combine a vacation trip at the same time. Plan to take the family to the convention this summer.

A REMINDER

The Second Annual Broadcast Engineering Conference, sponsored by the Department of Electrical Engineering, Ohio State University, will be held from February 6 to 17, 1939. A lecture-demonstration, "Words, Waves, and Wires," will be presented February 7 by Dr. J. O. Perrine of the A. T. & T. There will also be discussion of television, facsimile and other important problems.

FINANCIAL STATEMENTS MARCH 15

Balance sheets showing the financial condition of broadcast stations have to be filed each year with the Federal Communications Commission. The order in this regard stated that the station licensees must file these reports on March 1 of each year. Due to the fact that the forms for 1938 figures have been delayed in being sent out the Commission this week extended the time this year until March 15. In this connection the Commission made public the following statement:

> Section 15.11 of the Commission's Rules of Practice and Procedure, approved November 28, 1938, and made effective January 1, 1939, provides that each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year a balance sheet showing the financial condition of the licensee as of December 31 of the preceding year and an income statement for the preceding calendar year.
>
> The forms to be used for the year 1938 in compliance with this rule will soon be available for distribution. Due to this delay

in the distribution of the forms, the time limit for the filing of these data for the year 1938 will be extended to March 15, 1939.

The forms provide in general for the filing of a balance sheet as of December 31, 1938, and information as to earnings and other data for the year 1938, similar to what were required for the year 1937 by Commission Order No. 38. They provide also for the submission of data on personnel for the week beginning December 11, 1938, and information as to program service for the same week, similar to the data and information that were required by the Commission's Order of April 22, 1938.

The principal changes from the 1937 reports concern the earnings from the sale of time. With respect to earnings from sales to networks, such earnings are to be shown as "Sales to national networks", "Sales to regional networks", and "Sales to other networks." With respect to earnings from other sales of time, the division will be made among "Sales to national users", "Sales to regional users", "Sales to local users", and "Sales to other persons", such as sales of time through lease to others or other bulk-sales arrangements. In each case of network sales, the name of the network and the total number of hours furnished to the network will be required.

RULES OF PRACTICE AMENDED

The Federal Communications Commission on Tuesday amended certain sections of its Rules of Practice and Procedure so that they will now read:

"Sec. 9.01 *Service, proof of service.* All pleadings, petitions, motions, or other documents (other than applications under Title II, formal complaints, supplemental complaints, cross-complaints and amended complaints) filed in any proceeding shall be served by the party filing the same upon all parties of record, as follows:

"Service upon common carriers shall be made as provided in Section 413 of the Communications Act of 1934, as amended.

"In all other cases whenever under these rules service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

"Proof of service as provided in the foregoing shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgment shall be made on all copies filed."

In order to correct an error in the headnote of Sec. 15.17 the letter "s" was deleted in "broadcast services" so that the headnote will read:

"Sec.15.17 Multiple applications; broadcast service."

The second paragraph of Section 16.02 was deleted and a new rule adopted. Accordingly Section 6.03 will read as follows:

"Sec. 6.03 *Complaints.* Communications to the Commission complaining of anything done, or omitted to be done, in contravention of the provisions of the Act, except formal and informal complaints filed under Part 16 hereof, may, in the discretion of the Commission, be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such communications shall not be deemed to be either formal or informal complaints within the meaning of these rules, irrespective of any action taken thereon by the Commission."

The Title of Part 6 as amended will read:

"Part 6. PETITIONS AND COMPLAINTS"

A change in the Table of Contents will be as follows:

Change "Part 6. PETITIONS" to read: "Part 6. PETITIONS AND COMPLAINTS." The following new sub-part heading added: "Complaints . . . 6.03."

Legal

STATE LEGISLATORS ACT TO CURB MUSIC MONOPOLIES

Bills have been introduced in the legislatures of four states seeking to protect the citizens of those states against the activities of pools controlling the public performance of copyrighted music. A bill similar to the present statutes in Washington, Montana and Tennessee has been introduced in Arkansas by Senator Higginbotham. The constitutionality of such a bill is now pending before the federal courts in the three states in which it was adopted, and it is claimed to be unconstitutional as abrogating rights created by the Federal Copyright Act. The bill introduced in Connecticut (NAB Reports, January 27) is said to meet all constitutional objections and to be based upon decisions of the United States Supreme Court which define the rights of state legislatures in similar matters.

The legislature of Illinois has before it a bill to outlaw in the state combinations or pools of the copyright owners of musical compositions. The details of this bill were not available at the time of going to press but will be covered in a future issue of the NAB Reports. In Indiana a bill has been introduced which provides for the licensing of all persons except composers seeking to dispose of public performance rights within the state and imposes a franchise tax of 5 per cent on gross receipts.

PHONOGRAPH RECORD AND TRANSCRIPTION BROADCASTS

A bill has been introduced in South Carolina and was passed by the House January 31, which abrogates any common law rights to restrict or collect royalties on a commercial performance of phonograph records or electrical transcriptions which have been sold in commerce for use within the state. Such rights do not arise under any federal laws, but are claimed by recording artists under the common law of the respective state. The entire bill is as follows:

"REGULAR SESSION

A Bill

"To prevent claims for additional compensation, fees or payment after sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatsoever.

Be it enacted by the General Assembly of the State of South Carolina:

"Section 1: When any phonograph record or electrical transcription, upon which musical performances are embodied, is sold in commerce for use within this State, all asserted common law rights to further restrict or to collect royalties on the commercial use made of any such recorded performances by any person is hereby abrogated and expressly repealed. When such article or chattel has been sold in commerce, any asserted intangible rights shall be deemed to have passed to the purchaser upon the purchase of the chattel itself, and the right to further restrict the use made of phonograph records or electrical transcriptions, whose sole value is in their use, is hereby forbidden and abrogated.

"SECTION 2: Nothing in this act shall be deemed to deny the rights granted any person by the United States Copyright Laws. The sole intendment of this enactment is to abolish any common law rights attaching to phonograph records and electrical transcriptions, whose sole value is in their use, and to forbid further restrictions or the collection of subsequent fees and royalties on phonograph records and electrical transcriptions by performers who were paid for the initial performance at the recording thereof.

"SECTION 3: All acts or parts of acts in conflict herewith are hereby expressly repealed.

"SECTION 4: This Act shall take effect upon its approval by the Governor."

CALIFORNIA PROPOSES STATION PROTECTION AGAINST LIBEL

Three bills have been entered in the California legislature for the purpose of protecting broadcast stations against defamatory statements uttered by "any lessee of broadcasting time." Two bills which seek to amend the Penal Code and the Civil Code respectively exempt the owner of a station from liability except when the owner of the station affirmatively declares that the statements are made in behalf of the owner. These sections are as follows:

> "No person, firm or corporation owning or controlling a broadcasting station shall be liable for statements made by any lessee of broadcasting time, or any person speaking for or on behalf of, or at the request of such lessee, or his agent, except when the person, firm or corporation owning or controlling the broadcasting station affirmatively declares that such statements are made for and in behalf of such person, firm or corporation."

The third bill requires that a written undertaking in the sum of $500.00 with at least two competent and sufficient sureties shall be filed with the clerk of the court in all suits for libel or slander before the clerk of the court may issue summons therein.

NEW JERSEY BROADCASTING STATUTE HELD UNCONSTITUTIONAL

The Radio Broadcasting Act, Title 48, Chapter 11 of the Revised Statutes of New Jersey, recently was held unconstitutional in its application to the Bound Brook transmitter of the National Broadcasting Company, by a specially constituted three judge federal court. The statute generally provided for the regulation of radio broadcasting by the Board of Public Utility Commissioners of the State of New Jersey.

The National Broadcasting Company contended that this type of regulation is exclusively within the power of Congress, but the state urged that the act is not unconstitutional insofar as it applies to radio transmission when the radius does not extend beyond state lines. The court stated that it was not called upon to decide this difference between the defendants and the National Broadcasting Company, as it was admitted that the operation of the Bound Brook station would constitute interstate commerce. A permanent injunction was issued restraining the Board of Public Utility Commissioners of the state from proceeding against the National Broadcasting Company.

PROPOSED FEDERAL, STATE LEGISLATION AFFECTING BROADCASTING

The following bills have been introduced in the respective legislatures.

Congress

H. R. 1651 (Mr. Dickstein, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee.

H. R. 3582 (Mr. Flannery, Penna.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committees.

H. Res. 70 (Mr. Connery, Mass.) F. C. C. INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee.

H. Res. 72 (Mr. Wigglesworth, Mass.) BROADCASTING AND F. C. C. INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Interstate and Foreign Commerce Committee.

S. 1095 (Senator Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee.

STATE LEGISLATURES

ARKANSAS:

SCR 13 (Mason) CCC—RADIO COMMUNICATION—Memorializing Arkansas delegation in Congress to cause enactment of legislation requiring Military discipline and such training as map reading, bridge building, and radio communication for CCC camps. Adopted in Senate.

COLORADO:

H. 308 (Thomas) PRESS COMMUNICATIONS—Relating to confidential communications to members of the press. Referred to Mines and Mining Committee.

CONNECTICUT:

S. 264 RADIO EQUIPMENT—STATE POLICE.—Providing for full radio equipment for state police. Referred to Judiciary Committee.

S. 830 (Enquist) COPYRIGHT—Providing that it shall be unlawful to dispose of performing rights in copyright musical compositions, except under conditions set forth; owners of copyright not to combine for purposes of issuing blanket licenses upon a blanket fee except as stated. Referred to Judiciary Committee.

GEORGIA:

H. 243 (William et. al.) LIBEL—Provides for the giving of notice to newspapers, magazines or periodicals before the institution of a suit for damages. If publication due to honest mistake or if there are reasonable grounds to believe statements were true, only special or actual damages can be recovered provided retraction was published within ten days of receipt of notice. This bill does not protect broadcasting stations, but applies solely to newspapers, magazines or periodicals. Referred to General Judiciary Committee.

S. 69 (McGinty) LIBEL—NEWSPAPERS AND MAGAZINES—Amending the State Laws governing libel in newspapers and magazines. Referred to Public Printing Committee.

ILLINOIS:

H. 115 (Woodward) MUSIC COPYRIGHTS—Outlaws, in the state, combinations of owners of musical copyrights. Referred to Speaker's Table.

INDIANA:

H. 228 (Ferguson) MUSIC COPYRIGHTS—An act providing for license for public use of copyright music by the composer only unless licensed by the state treasurer; imposes franchise tax on gross receipts from such uses. Referred to Judiciary A Committee.

MASSACHUSETTS:

H. 824 (Lasell) EMPLOYER-EMPLOYEE RELATIONS—Provides for an investigation by an unpaid commission to be appointed by the Governor of conditions relating to employer and employee, with a view to recommending such legislation as is necessary or desirable. Referred to Labor and Industries Committee.

H. 1668 (Milano) RACING MEETINGS—BROADCASTING—Relative to broadcasting results of certain horse and dog racing meetings. Referred to Legal Affairs Committee.

MINNESOTA:

H. 232 (McNulty) ATTACHMENT EXEMPTIONS—Amending Stat. 1927, Sec. 9447, Subd. 12, to exempt chemical, radio, and electrical apparatus kept for personal use from attachment. Referred to Public Welfare Committee.

H. 237 (McNulty) ATTACHMENT EXEMPTIONS—Amending Stat. 1927, Sec. 9447, Subd. 5, to exempt radios and personal sporting equipment from attachment.

S. 205 (Novak) CREDITORS' CLAIMS—Same as H. 151. Exempting personal chemical, radio, and electrical equipment from claims of creditors.

S. 264 (Larson) ATTACHMENT EXEMPTIONS—Same as H. 232. Amending Stat. 1927, Sec. 9447, Subd. 12, to exempt chemical, radio, and electrical apparatus kept for personal use from attachment.

S. 287 (Kelly) LOTTERIES—OLD AGE PENSIONS—To legalize lottery for old age pensions. Referred to General Legislation Committee.

MONTANA:

H. 1199 (Lambert) MECHANICAL MUSICAL INSTRUMENTS TAX—For registering mechanical musical instruments and tax based on revenue from operation.

NEBRASKA:

Bill 380 (Klaver) INVESTMENT COMPANIES—RADIO STATION—Prohibits investment companies from having an interest in radio stations.

NEW HAMPSHIRE:

H. 307 (O'Shan) ADVERTISING—Relating to advertising. Referred to Judiciary Committee.

NEW YORK:

A. 400 (Wilson) RACE HATRED—Same as S. 325. Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion, or manner of worship. Referred to Codes Committee.

A. 519 (Giordano) RACE HATRED—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

S. 325 (Condon) RACE HATRED—Same as A. 400. Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

PENNSYLVANIA:

H. 103 (Rosenfeld) RACE HATRED—Making it a misdemeanor to disseminate or publish in any manner, or to have in possession for the purpose of disseminating, any matter inciting or advocating hatred, violence, or hostility against any group of persons in this state, by reason of race, color, religion or manner of worship. Referred to Judiciary Special Committee.

SOUTH CAROLINA:

H. 46 (Evans) COPYRIGHT—PHONOGRAPH RECORDS AND TRANSCRIPTIONS—Abrogates any common law rights to restrict or to collect royalties on commercial performances of phonograph records or electrical transcriptions which have been sold in commerce for use within the state. Referred to Judiciary Committee.

TENNESSEE:

H. 352 (Fowler and Townsend) AMEND REVENUE BILL. Same as S. 249. An act to provide for amendments to the General Revenue Bill, (Chapter 108 of the Public Acts of 1937) affecting 19 items, including taxes on dealers in automobiles and equipment, collection agencies, dealers in fireworks, automatic oil furnaces, tobacco dealers, restaurants, bottlers of soft drinks, building and loan associations, investors' syndicates, radios and supplies, etc.

S. 249 (Moore and Lindsay). Same as H. 352.

UTAH:

S. 20 (MacFarlane) PURE FOOD AND DRUG LAW—Rewrites the pure food and drug law.

WASHINGTON:

H. 91 (Guisinger) WORKMEN'S COMPENSATION—RADIO AND REFRIGERATOR—Placing radio and electrical refrigerator installers and repairmen under the extra hazardous employment classification. Referred to Insurance Committee.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission this week in a Proposed Finding of Fact recommended the granting of the application of John T. Alsop, Jr. for the erection of a new broadcast station at **Ocala, Florida** to operate on **1500 kilocycles,** 100 watts, unlimited hours. This is the first case handled under the new procedure of the Commission and the Proposed Findings of Fact takes the place of the Examiners' Reports which were formerly used. All parties will now have an opportunity to file exceptions and to request Oral Argument on the proposed report.

The Commission in this Proposed Finding stated that there is a need for additional service in the area proposed to be served and that the operation of the station would not cause objectionable interference with the operation of any other existing station or with any station in a pending application. The Commission found also that the granting of this application will not adversely affect the economic interests of any other station.

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Station KLS, **Oakland, California,** to install a new transmitter and to increase its power from 250 watts to 500 watts. The station operates on **1280 kilocycles,** unlimited time.

It was found by the Commission that the application would cause objectionable interference to KFBB at Great Falls, Montana, and that the applicant failed to show sufficient need for the proposed increase of power for Station KLS to justify the increased interference that would result to Station KFBB.

The Commission also denied the application of WRSP, Inc., for the erection of a new station at **Wisconsin**

Rapids, Wisconsin, to operate on **1500 kilocycles,** 250 watts daytime, 100 watts nighttime, unlimited hours of operation.

In its decision in this case the Commission said: "Upon consideration of the facts shown, including the fact that it is the apparent intention of the applicant to operate the proposed local station under the supervision and management of persons who are not associated with community interests and are not shown to be qualified to operate the proposed station in accordance with the best interest of the local community; the fact that the nighttime service range of the station would be subjected to a substantial restriction in area by interference from other stations; and the fact that radiobroadcast service is available to residents of the area proposed to be served; the Commission is of the opinion and finds that the applicant has failed to sustain the burden of showing that the public interest, convenience, and necessity would be served by the granting of the application."

The application of KDAL, **Duluth, Minnesota,** for renewal of license has been granted by the Commission. The station operates on **1500 kilocycles,** 100 watts, unlimited time.

It was found by the Commission in its decision that prior to July 1937 the station "had been operated other than in accordance with good engineering practices." But the station, the Commission said, has corrected the discrepancies and it "is now operating in accordance with the standards of good engineering practice." The Commission stated the public interest will be served by the granting of the application.

EXPERIMENTAL BROADCAST STATIONS

The Federal Communications Commission has made public the following list of experimental broadcast stations having licenses as of January 1:

W3XDD—Bell Telephone Laboratories, Inc., Whippany, N. J.—**560, 900, 1340 kc.,** 50 KW, emission A3.

W9XC—Central Broadcasting Co., Mitchellville, Iowa.—**1000 kc.,** 1 KW, emission A3 (C. P. only).

W1XCS—Connecticut State College, Storrs, Conn.—**100000, 110000, 200000, 300000 kc.,** 250 watts, emission A3 and Special.

W1XEV—Connecticut State College, Storrs, Conn.—**86000-400000, 401000 kc.** and above, 500 watts, emission A3.

W8XO—The Crosley Corp., near Mason, Ohio.—**700 kc.,** 500 KW, emission A3.

W2XBF—William G. H. Finch, New York, N. Y.—**31600, 35600, 38600, 41000 kc.,** 1 KW, emission A2, A3 and Special.

W10XAB—C. J. MacGregor, Mobile (North Polar Region, vicinity Ellesmere Island).—**2398, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 31100, 34600, 37600, 40600, 86000** to **400000 kc.,** 400 watts, emission A3.

W2XKI—National Broadcasting Co., Inc., New York, N. Y.—**175000-180000 kc.,** 15 watts, emission A3, A4.

W10XF—National Broadcasting Co., Inc., Portable.—**1614, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 25 watts, emission A1, A2, A3.

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—**1614, 3492.5, 4797.5, 6425, 8655, 12862.5, 17310, 25700, 26000, 27100, 31100, 34600, 37600, 40600, 86000-400000, 401000 kc.** and above, 100 watts, emission A1, A2, A3.

W4XFN—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—**300000, 330000, 360000 kc.,** 15 watts, emission A3.

W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—**63500 kc.,** 150 watts, emission A2, A3.

Following are the noncommercial educational broadcast stations as of January 1:

WCNY—Board of Education, City of New York, Brooklyn, N. Y.—**41100 kc.,** 500 watts, emission A3 (C. P. only).

WBOE—Cleveland City Board of Education (Chas. H. Lake, Supt.), Cleveland, Ohio.—**41500 kc.,** 500 watts, emission A3.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, February 6. They are subject to change:

Monday, February 6

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Kingston Broadcasting Corp., Kingston, N. Y.—C. P., **1500 kc.,** 100 watts, daytime.

Further Hearing (Broadcast)

KTRB—Thomas R. McTammany and William Bates, Jr., Modesto, Calif.—Renewal of license, **740 kc.,** 250 watts, daytime.

Tuesday, February 7

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—C. P., **900 kc.,** 500 watts, unlimited time (DA at night). Present assignment: **900 kc.,** 500 watts, daytime.

Wednesday, February 8

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.,** 1 KW, unlimited time (DA at night).

Thursday, February 9

Oral Argument Before the Commission

Examiner's Report No. I-745:

WSEI—Radio Service Corporation, Pocatello, Idaho.—C. P., **600 kc.,** 1 KW, unlimited time (DA for day and night). Present assignment: **900 kc.,** 250 watts, 1 KW LS, unlimited time.

Examiner's Report No. I-756:

KPAC—Port Arthur College, Port Arthur, Tex.—C. P., **1220 kc.,** 500 watts, unlimited time (DA at night). Present assignment: **1260 kc.,** 500 watts, daytime.

Friday, February 10

KCRJ—Charles G. Robinson, Assignor, Central Arizona Broadcasting Co., Assignee, Jerome, Ariz.—Voluntary assignment of license, **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WHBB—S. A. Cisler, Jr., G. W. Covington, Jr., and H. A. Shuman, Transferors, and Bascom Hopson, Transferee, Selma, Ala.—Transfer of control of corporation; **1500 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

February 27

WHLS—Harmon LeRoy Stevens, and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Renewal of license, **1230 kc.**, 1 KW, 5 KW LS, unlimited time.

March 14

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 100 watts, 250 watts LS, specified hours.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Renewal of license, **1370 kc.**, 100 watts, 250 watts LS, specified hours.

NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.**, 100 watts, 250 watts LS, specified hours. (Requests facilities in part of WHDF.)

March 21

NEW—Southern Oregon Broadcasting Co., Grants Pass, Oregon.—C. P., **1310 kc.**, 100 watts, unlimited time.

April 3

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.**, 500 watts, unlimited. Present assignment: **1340 kc.**, 250 watts, unlimited time.

April 6

NEW—Edward J. Doyle, Rochester, N. Y.—C. P., **1270 kc.**, 500 watts, daytime.

April 7

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., **1140 kc.**, 250 watts, daytime.

April 18

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts, unlimited time.

WBAX—John H. Stenger, Jr., Assignor, Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Voluntary assignment of license, **1210 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted modification of license to increase day power from 500 watts to 1 KW.

KIDW—The Southwest Broadcasting Co., Lamar, Colo.—Granted renewal of license from February 1 to July 1, 1939; also granted voluntary assignment of license from the Southwest Broadcasting Co. to the Lamar Broadcasting Co. Station operates on **1420 kc.**, 100 watts, specified hours.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Application for C. P. to install new equipment and increase day power from 100 to 250 watts. Applications designated for hearing because interference would possibly be caused to existing stations, and pending applications would involve an increase in service for Maine.

NEW—Martin K. Calaway and Harry S. Hooper, Marysville, Cal.—Application for C. P. for new station to operate on frequency **1420 kc.**, 100 watts night, 250 watts day, unlimited time; exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Coastal Broadcasting Co., Brunswick, Ga.—Application for C. P. for new station to operate on frequency **1500 kc.**, 100 watts night, 250 watts day, unlimited time; exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Grant Union High School District, N. Sacramento, Cal.—Application for C. P. already in hearing docket, amended so as to request frequency **1370 kc.**, 100 watts daytime only; exact transmitter site and type of antenna to be determined with Commission's approval. Application set for hearing because interference would possibly be caused to existing stations.

NEW—Thumb Broadcasting Co., Brown City, Mich.—Application for C. P. already in hearing docket, amended so as to request frequency **880 kc.**, 1 KW, daytime only; exact transmitter site and type of antenna to be determined with Commission's approval. Application set for hearing because interference would possible be caused to existing stations.

KGKL—KGKL, Inc., San Angelo, Texas.—Application for modification of license to increase night power from 100 watts to 250 watts. (To be heard before the Commission). This application is contingent upon the adoption of new rules which would permit operation of Class 4 stations with 250 watts nighttime operation.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Application for C. P. to move transmitter site locally, from 1002 Brady St., Davenport, to Bettendorf, Iowa; install new equipment and DA system; change frequency from **1370** to **1390 kc.**, and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time, employing DA system for nighttime operation. Application set for hearing because interference would possibly be caused to existing stations, and would involve an increase in service.

WDRC—WDRC, Inc., Hartford, Conn.—Application for C. P. already in hearing docket, amended so as to request installation of directional antenna system for day and nighttime operation, and increase in night power from 1 KW to 5 KW. (To be heard before the Commission). Application designated for hearing because of violation of Rule 120, and because interference would possibly result to existing stations.

WBT—Columbia Broadcasting System, Inc., Charlotte, N. C.—Application for C. P. already in hearing docket, amended so as to request authority to install a DA system for nighttime operation. (To be heard before the Commission). Application designated for hearing because interference would possibly be caused to existing stations, and pending applications from N. C. would involve increase in service.

MISCELLANEOUS

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 8 to 9:30 p. m., CST, on January 26, in order to broadcast the State Highway Safety Meeting being held on the campus that night.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m., and from 2:00 p. m. to 6:00 p. m., AST; on Sundays, February 5, 12, 19, 26, 1939, in order to broadcast baseball games; to operate February 22, 1939, from 9:00 a. m. to 11:00 a. m., and from 2:00 p. m. to 6:00 p. m., AST, in order to broadcast baseball games; to operate from 10:00 p. m., February 22, 1939, to 1:00 a. m., February 23, 1939, in order to broadcast dance in Washington's honor; to operate from 10:00 p. m. to 1:00 AST, the following day on February 4, 11, 18, and 25, 1939, in order to broadcast festivals of La Candelaria.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate portable 100 watt transmitter on the frequency of **930 kc.** daytime, for the period beginning January 31, 1939, and ending in no event later than February 14, 1939, in order to make survey for new transmitter location.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 8:45 p. m. to 12 midnight, MST, on January 30, 1939, in order to broadcast program of President's Birthday Ball.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted special temporary authority to operate from local sunset (January, 5:45 p. m., CST), to 11:00 p. m., CST, on January 28, 1939, in order to broadcast President's Birthday Ball.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (February, 6:00 p. m., CST), to conclusion of wrestling matches sponsored by charity committee of the Lions Club on February 2, 9, 16, and 23, 1939.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5:00 to 6:00 a. m., CST, on 1 KW only, for the period beginning February 7, 1939, and ending in no event later than March 9, 1939, in order to conduct experimental farm programs.

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Denied motion to remand to examiner the application of WBOW, Banks of Wabash, Inc., Terre Haute, Ind., for C. P. to change equipment and antenna; move transmitter and studio locally; change frequency from **1310 kc.** to **1200 kc.** (Ex. Rep. 1-746).

KFSD—Airfan Radio Corp., San Diego, Calif.—Granted petition for extension of time in which to file proposed findings of fact and conclusion from January 25 to February 1, 1939, in re applications of KEHE, Hearst Radio, Inc., Los Angeles, for voluntary assignment of license to Earle C. Anthony, Inc.; and of KECA to move station to San Diego and assign license to Worcester Broadcasting Corp.

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted motion to admit depositions in evidence and to reopen the record for such purpose, in re applicant's application for C. P. to change assignment from **1310 kc.**, 100 watts, 250 watts LS, to **1240 kc.**, 1 KW, unlimited time, DA night.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted motion to dismiss application, without prejudice, for C. P. to change assignment from **1310 kc.**, 50 watts, unlimited time, to **1300 kc.**, 250 watts, unlimited time.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted motion for 60-day continuance of hearing (from Feb. 17) on application for renewal of license of WBAX, and for voluntary assignment of license to Stenger Broadcasting Corp.

NEW—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Granted petition to take depositions in re application for new station to operate on **1310 kc.**, 100 watts, unlimited time.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted extension of time to file brief from January 19 to January 26, in re application of Peter J. Calderone, Providence, R. I., for new station to operate on **1270 kc.**, 250 watts, daytime.

NEW—United Theatres, Inc., San Juan, P. R.—Granted authority to take depositions of an additional witness in re application for a new station at San Juan to operate on **580 kc.**, 1 KW night, 1 KW LS, unlimited time, directional antenna for day and nighttime operation.

WBBC—Brooklyn Broadcasting Corp., and other Brooklyn cases.—Granted petition for extension of time within which to file reply brief and the date for filing of the reply brief of Brooklyn Broadcasting Corp. was extended until February 6, 1939.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 p. m. to 2:15 p. m., MST, on February 6, 13, 20, and 27, 1939, in order to broadcast livestock auction and merchants programs from Ft. Morgan, Colorado.

NEW—The Monocacy Broadcasting Co., Frederick, Md.—Granted motion to continue hearing on application for C. P. for new station at Rockville, Md., to use **1140 kc.**, 250 watts, daytime, for period of 60 days from February 7.

WHA—University of Wisconsin, Madison, Wis.—Granted petition to accept late appearance, and an additional 10 days granted respondents to file appearance, in re appliction for C. P. to change assignment from **940 kc.**, 5 KW daytime, to **670 kc.**, 50 KW, unlimited.

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Granted motion to take depositions in re application for modification of license of WHLS to add 100 watts night and unlimited hours to present assignment of **1370 kc.**, 250 watts daytime.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Granted petition to postpone hearing for 60 days from February 7, 1939, on application for C. P. to erect a new station to operate on **1420 kc.**, 100 watts, unlimited time.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted petition to accept respondent's WEED) answer to applicant's appearance in re application of Suffolk Broadcasting Corp., Suffolk, Va., for C. P. to use **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

KCMC—KCMC, Inc., Texarkana, Tex.—Granted applicant's petition to dismiss without prejudice the application for C. P. to change assignment from **1340 kc.**, 500 watts, 1 KW LS, unlimited, to **1420 kc.**, 100 watts, 250 watts LS, unlimited.

NEW—The Brockway Company, Watertown, N. Y.—Granted continuance to April 6 of hearing on application of Edward J. Doyle, Rochester, N. Y., for C. P. for new station to use **1270 kc.**, 500 watts, daytime. Petitioner has an application for a new station at Watertown, N. Y., which has been continued indefinitely pending outcome of Watertown, N. Y., cases in litigation.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to operate from 7:30 p. m. to the conclusion of basketball game between Toledo University and New York on January 31, 1939, instead of January 30, as authorized by grant of January 21, 1939.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on February 11, 18 and 25, 1939, and March 4, 1939, in order to carry the complete programs of the NBC Symphony Orchestra.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on the frequency **43000 kc.**, with power not to exceed 100 watts, for the period February 9 to March 10, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

KPAR—Pan American Airways, Inc., New York City.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard the plane NC-18602 owned by Pan American Airways, Inc., bearing call letters KHCHB, as a relay broadcast station on the frequencies **1622**, **2058**, **2150** and **2790 kc.**, to relay broadcast programs while the aircraft is en route to San Francisco from Seattle, for the period January 27 to February 25. Programs to be broadcast over the station networks of NBC and CBS.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to rebroadcast on **1370 kc.** from 2:30 to 2:35 p. m., CST, January 28, program originating in an airplane of the St. Paul Winter Carnival, broadcast by short wave.

WOEH—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WOEH on the frequencies **4797.5**, **6425**, **8655** and **12862.5 kc.**, in addition to the normal licensed frequencies, for a period not to exceed 30 days, for the express purpose of conducting transmission tests for determination of service requirements which will render best program transfer between Los Angeles and San Francisco in emergencies when normal wireless connections are interrupted.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 7:15 p. m., EST, January 30 to 1 a. m., EST, January 31, in order to broadcast President's Ball celebration.

WHBI—May Radio Broadcast Corp., Newark, N. J.—The Commission reconsidered its previous action in designating for hearing the application for renewal of license and granted the application without a hearing. A complaint against a program broadcast by this station has been referred to the Federal Trade Commission. Investigation indicated that a program allegedly not in the public interest concerning which complaint had been made was not in fact broadcast by the station.

WMBC—Michigan Broadcasting Co., Detroit, Mich.; WMIN Broadcasting Co., St. Paul, Minn.—The Commission reconsidered its previous action in designating for hearing the applications for renewal of licenses and granted the applications without a hearing. Certain programs alleged to involve lotteries are no longer being carried by the stations.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—The Commission reconsidered its previous action in designating for hearing the application for renewal of license and granted the application without a hearing. Certain programs allegedly involving fortune telling and misleading medical advertising regarding which complaint was made have been discontinued.

KYA—Hearst Radio, Inc., San Francisco, Calif.—The Commission reconsidered its previous action in designating for hearing the application for renewal of license and granted the application without a hearing. Certain point to point communications in alleged violation of the terms of the station's license were discontinued. Full announcements are now being made regarding the sponsorship of certain programs where formerly there was no announcement of sponsorship, as required by the Act.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—The Commission denied the petition for reconsideration and grant of applications for renewal of license and for voluntary assignment of license.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from 10 p. m., to midnight, EST, on January 30, in order to broadcast program from New Haven Armory in conjunction with President's Birthday Ball.

W8XLT—WLEU Broadcasting Corp., Portable-Mobile (vicinity of Erie Co., Pa.).—Granted reinstatement of C. P. heretofore granted, and license to cover same, for experimental relay broadcast station to use frequencies **31100, 34600, 37600** and **40600 kc.,** conditionally; 2 watts. Present license of W8XLT to be cancelled.

W6XBE—General Electric Co., Treasure Island, San Francisco, Cal.—Granted modification of C. P. as modified, extending completion date from February 1 to May 1, 1939.

W1XPW—WDRC, Inc., Meriden, Conn.—Granted modification of C. P. as modified, extending completion date from March 11, 1939 to June 1, 1939.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted modification of C. P. to change type of equipment.

WKAR—Mich. State College, E. Lansing, Mich.—Granted modication of C. P. approving transmitter site and vertical radiator and installation of other than previously authorized equipment.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted license to cover C. P. authorizing installation of new equipment.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted license to cover C. P. authorizing installation of composite 100 watt transmitter for auxiliary purposes only.

WIBM—WIBM, Inc., Jackson, Mich.—Granted license to cover C. P. authorizing installation of new antenna system, changes in equipment and move of studio and transmitter locally.

WGPC—Americus Broadcasting Corp., Albany, Ga.—Granted modification of license to change corporate name from Americus Broadcast Corp. to The Albany Broadcasting Co., Inc.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with KBST from 8 to 9 p. m., MST, on January 30, in order to broadcast President's Birthday Ball Celebration.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted special temporary authority to operate from 8 p. m. to 12 p. m., EST, on January 30, in order to broadcast talks by local persons on behalf of campaign for funds to combat infantile paralysis and President's speech (11:15 p. m. to 12 p. m.).

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Cal.—Granted special temporary authority to operate from 8 p. m., PST, to conclusion of celebration of Beverly Hills 25th Anniversary, on January 30.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, on January 30, in order to broadcast President's Birthday Ball, using 100 watts only.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on January 30, in order to broadcast local celebration of President's Ball.

KFDM—Magnolia Petroleum Co. (Owner), and Sabine Broadcasting Co. (Licensee of station KFDM), Beaumont, Tex.—Granted application for voluntary assignment of license to Beaumont Broadcasting Corporation, effective 3 a. m., EST, January 31, 1939, as the Commission has now been furnished with satisfactory evidence that the contracts of April 21, 1937, and May 24, 1937, have been modified in accordance with the Commission's order of December 16, 1938.

NEW—Mountain Top Trans Radio Corp., Denver, Colo.—Denied petition to reopen the record in re application for C. P. (Docket 4896), for further evidence, and the opposition thereto, filed by F. W. Meyer, Intervener.

KOAC—Oregon State Agricultural College, Corvallis, Oregon.—Granted petition of KOAC (Commissioner Sykes, voting "No"), to reconsider a petition to reopen the hearing in re the application for modification of license of station KOY, Salt River Valley Broadcasting Co., Phoenix, Ariz., to change frequency from **1390** to **550 kc.**

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Denied petition (Commissioners Craven, Sykes and Case voting "no), filed by WMBR, for rehearing in re the application of the Metropolis Company, Jacksonville, Fla., for a new station.

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8 p. m. to midnight on January 30, in order to broadcast President's Birthday Ball celebration, using 100 watts only.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, CST, on January 30, in order to broadcast President's Birthday Ball, using 100 watts only.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on January 30, in order to broadcast local celebration of President's Ball.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted special temporary authority to operate from 8 p. m. to 12 p. m., EST, on January 30, in order to broadcast talks by local persons on behalf of campaign for funds to combat infantile paralysis and President's speech (11:15 p. m. to 12 p. m.).

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Cal. Granted special temporary authority to operate from 8 p. m., PST, to conclusion of celebration of Beverly Hills 25th Anniversary, on January 30.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from 10 p. m. to midnight, EST, on January 30, in order to broadcast program from New Haven Armory in conjunction with President's Birthday Ball.

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8 p. m., to midnight on January 30, in order to broadcast President's Birthday Ball celebration, using 100 watts only.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with stations WIBW and WCHS with power reduced to 250 watts, from 7:55 to 9:55 p. m., CST, on February 3 and 25; from 7:25 to 9:25 p. m., CST, February 6, 11, 20 and 27; from 6:25 to 8:25 p. m., CST, on February 13, in order to broadcast University basketball games.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted authority to operate from 7:15 p. m., PST, to conclusion of basketball games on February 4, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 28, and March 1, 3 and 4, 1939.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW power night, for the period February 4 to March 5, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.,** or reduces power so that additional interference is not involved. This authority is granted conditionally and may be cancelled at any time without advance notice or hearing, if the Commission finds the need for such action arises.

KJBS—Julius Brunton & Sons Co., San Francisco, Cal.—Granted special temporary authority to operate simultaneously with station WTAM from 7:45 to 10 p. m., PST, February 10, 17, 21, and 24, in order to broadcast basketball games.

W9XAK—Kansas State College of Agr. and Applied Science, Manhattan, Kans.—Extended present television broadcast experimental station license upon a temporary basis only, for the period February 1 to March 1, 1939, pending determination upon application for renewal.

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Extension of special temporary authorization to conduct experimental farm programs.

900 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Special temporary authorization to operate portable 100-watt transmitter on frequency **930 kc.** daytime, for the period beginning January 31, 1939, and ending in no event later than February 14, 1939, in order to make survey for new transmitter location.

990 Kilocycles

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as "Brown County Broadcasting Co," Brownwood, Tex. —Construction permit for a new station on **990 kc.**, 1 KW power, daytime operation.

1200 Kilocycles

KGEK—Elmer G. Beehler, Sterling, Colo.—Special temporary authorization to broadcast livestock auction and merchants programs from Ft. Morgan, Colo.

KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-2123) for new antenna and move of transmitter, requesting authority to change type of transmitter and extend commencement date to 90 days after grant and completion date to 90 days thereafter.

KGEK—Elmer G. Beehler, Sterling, Colo.—Special temporary authorization to operate from 8:45 p. m. to 12 midnight, MST, on January 30, 1939, in order to broadcast program of President's Birthday Ball.

1210 Kilocycles

WCOV—John S. Allen and G. W. Covington, Montgomery, Ala.—License to cover construction permit (B3-P-1051) as modified for a new station.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Special temporary authorization to transmit special programs on February 2, 9, 16, and 23, 1939.

1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Modification of construction permit (B1-P-1881) as modified for new equipment, move transmitter, increase power and install directional antenna for day and night use, further requesting authority to extend completion date from 3-15-39 to 9-15-39.

1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Construction permit to install a new antenna; move transmitter from City Hall, Second and Walnut Sts., Blytheville, Ark., to Railroad and Walnut, Blytheville, Ark., and studio from 205 W. Main St., Blytheville, Ark., to same site as transmitter. Amended: re antenna.

1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—License to cover C. P. (B4-P-2052) for a new station.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Special temporary authorization to broadcast special programs.

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Tex.—Modification of license to change hours of operation from share with KMAC to unlimited (contingent on KMAC being granted new frequency).

KTEM—Bell Broadcasting Company, Temple, Tex.—Special temporary authorization to operate from local sunset January 28, 1939, in order to broadcast President's Birthday Ball.

1420 Kilocycles

KRBC—Reporter Broadcasting Co., Abilene, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—License to cover construction permit (B1-P-1918) for move of transmitter.

MISCELLANEOUS

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new relay broadcast (experimental) station on **40300, 41200, 41600, 41800 kc.**, 50 watts power. Superseding application requests **41800 kc.**, 50 watts power, located 1 River Road, Schenectady, N. Y.

W2XH—General Electric Co., Schenectady, N. Y.—License to cover C. P. (B1-PVB-14) for a new television station.

NEW—World Wide Broadcasting Corp., Norwood, Mass.—Construction permit for a new international broadcast station on **11730, 15130 kc.**, 20000 watts power. Amended: Transmitter location at 1218 State Highway, Norwood, Mass.

W4XA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Modification of construction permit (B3-PHB-62) to request **25450 kc.** Amended to request **26150 kc.** in lieu of present authorized frequencies.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—License to cover construction permit (B3-PHB-61) for move of transmitter.

WBAQ—Bamberger Broadcasting Service, Inc., Newark, N. J.—License to cover construction permit (B1-PRY-141) for a low frequency relay station.

WAHL—Paducah Broadcasting Company, Inc., Paducah, Ky.—License to cover construction permit (B2-PRY-151) for a low frequency relay station.

W5XFW—KUOA, Inc., Siloam Springs, Ark.—License to cover construction permit (B3-PRE-200) for an experimental relay station.

KAOD—Wescoast Broadcasting Co., Wenatchee, Wash.—Modification of C. P. (B5-PRY-135) for changes in equipment and to reduce power from 20 to 10 watts.

KAOD—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover above.

KAIH—Earle C. Anthony, Inc., Los Angeles, Calif.—License to cover C. P. (B5-PRY-110) for a new low frequency relay station.

W4XHY—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—License to cover construction permit (B3-PRE-229) for a new relay broadcast (experimental) station.

W5XFV—KUOA, Inc., Siloam Springs, Ark.—License to cover construction permit (B3-PRE-199) for a relay broadcast (experimental) station.

W9XBS—National Broadcasting Company, Inc., Chicago, Ill.—License to cover construction permit (B4-PHB-57) as modified for equipment changes, increase in power, and move of transmitter.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

Burn, Pollak & Beer—Charging the use of misleading representations in the sale of a line of fabrics known as loden cloth, a complaint has been issued against Seymour Burn, Arthur Pollak and Franz Beer, trading as Burn, Pollak & Beer, 381 Fourth Ave., New York.

Obtaining their fabrics from foreign sources, the respondents are alleged to make representations tending to deceive purchasers into believing that the only genuine Tyrolese loden cloth in the United States is that possessed by the respondents and their customers; that only one mill in the former Austrian province of Tyrol produces genuine loden cloth; that only that loden cloth, the fiber of which has been washed in the waters of the streams of Tyrol, has the appearance and finish of genuine loden cloth, and that genuine Tyrolese loden cloth is made only from wool grown in the Tyrol.

The complaint alleges that the respondents' representations are exaggerated and untrue in that loden cloth is made in many countries and its manufacture is not confined to the former Austrian Tyrol; that genuine Tyrolese loden cloth is produced by many mills in the Tyrol, and that at the time the respondents allegedly made their representations, genuine Tyrolese loden cloth was not offered exclusively in the United States by or through the respondents. (3696)

Canadian Chamois & Leather Corporation, 220 West Nineteenth St., New York, has been served with a complaint charging misleading representations in the sale of leather interlinings for coats and for similar garments under the trade name Cham-O-Line.

The complaint charges that in advertisements and on letterheads, invoices, price lists and tags, the respondent company made representations having a tendency to deceive buyers into believing that its interlining product is chamois, which is the skin of the chamois antelope or the oil-tanned skin of the sheep. According to the complaint, the respondent's product is not chamois, but is made from wild pig and skins other than oil-tanned sheepskin or the chamois antelope. (3691)

Factory-To-You Company—See Southern Manufacturing Company.

Moskin Stores, Inc.—See Southern Manufacturing Company.

Renesol Corporation—Charging misleading representations in the sale of Renesol, a medicinal preparation for treating epilepsy, a complaint has been issued against The Renesol Corporation, 551 Fifth Ave., New York, and Maurice Goldberg and Charles Goldblatt, who control and manage the corporation.

The respondents are alleged to have disseminated false advertisements concerning the remedial and curative properties of their product. According to the complaint, they have represented that their preparation will assure to the user a normal, happy and healthy life; that it contains no harmful drugs; that it is not habit-forming, and that it is safe to use.

These representations are exaggerated and misleading, according to the complaint, which alleges that the product will not assure a healthy life; that it contains harmful drugs, may be habit-forming, and cannot be used indiscriminately with safety.

The respondents' advertisements also are alleged to be false because they fail to reveal that use of the preparation under conditions prescribed in the advertisements and under customery conditions may result in serious illness as well as nervous and mental disorders. (3695)

Southern Manufacturing Company—Complaints alleging violation of the Federal Trade Commission Act in the sale of wearing apparel have been issued against Casenbury Crowe, trading as Southern Manufacturing Company and as Factory-To-You Company, 1806 Broad St., Rome, Ga., and against Moskin Stores, Inc., 370 Seventh Ave., New York.

In the sale of men's clothing by means of traveling agents who take orders, Casenbury Crowe is alleged to represent that the suits to be delivered will be made-to-measure or made-to-order and of material selected by purchasers from samples exhibited by agents, and that customers will have opportunity to examine and try on the garments before payment of the balance due.

The complaint alleges that the garments delivered are not made-to-measure but are of the ready-made type; that customers are not given an opportunity to try them on, and that the suits are shipped C. O. D. with no chance to return them if unsatisfactory. The clothing delivered, it is alleged, does not fit in the same manner as does made-to-order clothing, and in many instances the respondent does not deliver garments made from the material selected from samples, and in such instances refuses to return the customer's money or to deliver clothing made from the material selected.

Although employing the phrases "Manufacturing Company" and "Factory-To-You" in her trade names, the respondent, according to the complaint, is not a manufacturer owning or operating a plant in which her products are made.

Moskin Stores, Inc., operates a chain of retail stores including Moskin Credit Clothing Company, 729 Seventh St., N. W., and Star Credit Clothing Company, 825 Seventh St., N. W., Washington, D. C. It is alleged to advertise that customers purchasing certain men's suits or overcoats or women's garments for $22.50 each will receive free certain additional articles advertised as having values of $7.85, $6.95, and other amounts.

The complaint alleges that the respondent company does not give any of the specified items free, but that their prices are included in the prices of the other articles offered for sale. (3692 and 3693)

Spencer Business College—Alleging violation of the Federal Trade Commission Act in the sale of correspondence school courses, a complaint has been issued against Melvin B. and Mary F. Selcer, and Clay and Charlotte Spencer, co-partners trading as Spencer Business College, 310 Carondelet St., New Orleans. The complaint also includes as a respondent Ray Axton, manager of the respondents' "Extension Division."

In the sale of secretarial and business administration courses, the respondents' agents, known as "Registrars", are alleged to represent to prospective purchasers that they have been especially selected for an offer of enrollment; that the "Registrars" have special authority to sell meritorious persons such offers; that students so selected are offered an especially low price for advertising purposes, and that selected prospects are to be recipients of "scholarships" entitling them to the full course of instruction, the number of scholarships available being limited.

These representations are alleged to be exaggerated and deceptive, and a further representation of the respondents that they maintain branch offices in numerous cities other than New Orleans is not true, according to the complaint. (3694)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Ace Premium Company—See Ideal Gift Company.

Boyd Houser Candy Company—Boyd Houser, trading as Boyd Houser Candy Company, 307 Washington Ave., North, Minneapolis, and The Newton Products Company, 3rd and Lock Sts., Cincinnati, are prohibited, under orders entered from using lottery methods in the sale of candy to ultimate purchasers.

The orders direct both respondents to cease and desist from selling and distributing candy so packed and assembled that sales to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise. The orders also require the respondents to discontinue supplying dealers with any lottery device, either with assortments of candy or other merchandise, or separately, which device is to be used or may be used in selling such candy or other merchandise to the public.

The Newton Products Company, which the Commission found distributed candy by means of the so-called "break and take" lottery method, was ordered to cease assembling in the same package pieces of candy of uniform size and shape having centers of a different color, together with larger pieces or other articles of merchandise which are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color. (3506 and 3599)

Harmony-Electro Manufacturers—An order has been entered requiring Joseph C. Bradley, 4 St. Clair Ave., West, Toronto, Canada, and his four sales agents in the United States, to cease and desist from misrepresentations concerning the therapeutic value of a device designated the Harmony Electro-Magnetic

Health Appliance. Bradley trades as Harmony-Electro Manufacturers.

The respondent agents are John M. Schulz, 345 West Ferry St., Buffalo; William M. Ireland, Tulsa, Okla.; Frieda E. Breslin, 75 South Wells St., Wilkes-Barre, Pa., and A. R. Erbe, 509 Luzerne Ave., West Pittston, Pa.

The device is described as a belt which, when connected with electric current, creates a magnetic field.

Whether acting individually or under a common understanding, the respondents are ordered to cease and desist from representing that the so-called Harmony Belt is an effective, safe, tested, tried and proven therapeutic agent, and that the electro-magnetism generated by it thoroughly relaxes one, strengthens vitality, assists oxidation and aids metabolism.

Other representations to be discontinued are that use of the belt has any therapeutic value in treating rheumatism, arthritis, headache, sore eyes, high blood pressure, paralysis, eczema, catarrh, anemic condition, hey fever, ulcers, acidosis, old age troubles, kidney and bladder troubles, or any other ailment. (3072)

Ideal Gift Company—Orders to cease and desist from the use of lottery methods in the sale of merchandise to ultimate consumers have been entered against S. C. Ross, trading as Ideal Gift Company, 64 West Randolph St., Chicago; Irving Schwartz, trading as Lloyd's Distributing Company, 521 Fifth Ave., New York; Charles M. Bregstone, trading as The Veltrola Company, 180 North Wacker Drive, Chicago, and Harry J. Snyderman, trading as Ace Premium Company, 423 South Fifth St., Minneapolis.

The respondents are ordered to cease selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices. They also are required to discontinue mailing or shipping to their agents and distributors, or to members of the public, lottery devices so prepared or printed as to enable the operators thereof to sell or distribute merchandise by the use of such devices.

Through the use of pull cards or punch boards the respondents distribute their merchandise to the purchasing public wholly by lot or chance, the Commission found.

According to the findings, Ross is engaged in selling rotary clocks and fountain pen and pencil sets; Schwartz sells electric razors, radios and fountain pens; Bregstone is a distributor of electric razors, wrist watches and silverware sets, and Snyderman deals in cigarettes, cigarette lighters and cases, leather goods, jewelry, cameras, clocks and other articles of merchandise. (3205, 3277, 3327 and 3581)

Lloyd's Distributing Company—See Ideal Gift Company.

Newton Products Company—See Boyd Houser Candy Company.

Veltrola Company—See Ideal Gift Company.

STIPULATIONS

The Commission has entered into the following stipulations:

Banfi Products Corporation, 206 Spring St., New York City, will cease representing that the preparation known as Felsina Ramazzotti is an effective remedy for, or is of value in preventing, colds, catarrh, influenza, bronchitis, pneumonia, or gastric acidity, or that it is a competent treatment for heaviness of the stomach, unless this claim is limited to flatulence or gas formation. The respondent company also will cease representing that its preparation is used in all parts of the world and that Mahatma Gandhi has approved or expressed any opinion concerning it. (02316)

Bastian Brothers Company, Rochester, N. Y., in promoting the sale of its jewelry products, agrees to stop stamping, branding, labeling or otherwise designating as "gold" any article the quality of which is less than 10 carats fineness, unless the word "gold" is immediately accompanied by a quality mark indicating clearly and accurately its degree of fineness throughout the article, as, for example, "8K Gold."

According to the stipulation, an article described as gold is understood in the jewelry trade to be 10 carats or more in fineness. (2378)

Belding-Heminway-Corticelli, 119 West 40th St., New York City, in the sale of dental floss, will cease using on labels or otherwise the word "sterilized" to imply that the product is sterile at the time of purchase and removal from its original package. (2380)

Bishop Company, Inc., North Attleboro, Mass., in the sale of its optical goods, stipulates that it will cease stamping, marking or labeling spectacle frames or mountings with the term "1/10-12K" either alone or in connection with the initials "G.F.," or otherwise, when in fact the gold content of such articles is not 1/10-12K or better and does not assay at least 45/1000 fine gold throughout.

The stipulation points out that in the optical and jewelry trade the marks "1/10-12K" and "1/10-12 K.G.F." mean that one-tenth by weight of the entire article is 12-carat gold, or that, on a fractional basis, the gold content is 50/1000 fine gold. Allowing for a 10 per cent tolerance, any article so marked is deemed misbranded if it does not have an actual fine-gold content of 45/1000. (2376)

Cisco, Inc., New York City, in the sale of men's and women's muffler's and scarves, agrees to stop using on its brands or labels or in advertisements the phrase "all silk", the word "silk" or any other silk-connoting word as descriptive (1) of a product not composed entirely of silk, or (2) of a substantial silk content of a product, such content containing metallic weighting.

The stipulation provides that if the word "silk" or another word connoting silk is used to describe the weighted silk content of a product substantially so weighted, the fact that the product is weighted and the percentage of the weighting shall be clearly indicated, as, for example, "silk with 45% metallic weighting". The stipulation further provides that if the product is composed in part of rayon and in greater part of weighted silk, all representations pertaining to the article shall clearly disclose the rayon content as well as the fact that the silk content is weighted, as, for example, "Silk (weighted 45%) and Rayon". (2383)

Consolidated Products Company, Danville, Ill., manufacturer of four supplemental feed products for poultry and hogs, sold under the trade name Semi-Solid, agrees to cease use in its advertising matter of the word "milk" to designate a product which is not in fact whole milk. (2368)

Frederic Eschenburg—Engaged in the sale of calling and business cards, Frederic Eschenburg, 39-41 Cortlandt St., New York, has entered into a stipulation to discontinue misleading representations in the sale of his product.

The respondent agrees to cease employing the word "engraving" or "embossed" in advertising matter as descriptive of his cards, either independently or in connection with other words so as to imply that they are engraved or are the result of impressions made from inked engraved plates. (2374)

Gate City Optical Company—Two companies selling optical goods and supplies in interstate commerce have entered into stipulations to discontinue misleading representations regarding the gold content of spectacle mountings.

Gate City Optical Company, 1114 Grand Ave., Kansas City, Mo., and Louis Jacobitti, trading as National Optical Company, 18 Columbia St., Newark, N. J., are the respondents.

Gate City Optical Company agrees to cease using the word "certified", as descriptive of an article not analyzed or appraised by an authorized impartial agency, and to discontinue use in its advertising or as a stamp or marking for its spectacle mountings of the term "1/10-12K", alone or in connection with the initials "AaA1", or in any way, when in fact the gold content of the mountings is other than 45/1000 fine gold or more.

Louis Jacobitti, trading as National Optical Company, stipulates that in the sale of spectacle mountings he will desist from stamping or labeling them with the term "1/10 12Kt", either alone or in connection with the initials "G. F.", or in any way, when in fact the gold content of the mountings is other than 1/10 12K or assays other than 45/1000 fine gold or more. Jacobitti also agrees to stop guaranteeing or otherwise representing that a product contains not less than 45/1000 fine gold, when the fine gold content is actually less. (2385 and 2386)

George's Radio Company, Washington, D. C., in the sale of household appliances, agrees to stop representing that a price quoted for merchandise is "special", when in fact it is the regular price. According to the stipulation, Wasserman advertised that he was selling for $34.50 a certain gas range having a regular value of $59.50, when in fact the price of $34.50 quoted as an introductory offer was not special, as it was the only price at which he sold such range. Wasserman also will cease advertising, when such is not a fact, that a certain type of gas range sold by him was selected by the United States Government for PWA new housing projects because of its greater efficiency and longer life. (2382)

Handy Governor Corporation, manufacturer of governors and other automative devices, has entered into a stipulation to cease misleading representations in its advertising matter. The corporation has headquarters at 3925 West Fort St., Detroit.

In the sale of governors, the corporation stipulates that it will cease use in its advertisements of the phrase "Close to 90 per cent of all 1938 trucks specify Handy", or of any similar representation the effect of which conveys the idea that approximately nine-tenths of all trucks manufactured in 1938 were equipped with Handy governors. (2381)

National Optical Company—See Gate City Optical Company.

Prime Manufacturing Company—A dealer in electrical equipment used for fencing in livestock has entered into a stipulation to discontinue misleading representations in advertising. The respondent is The Prime Manufacturing Company, 1669 South First St., Milwaukee.

The respondent company agrees to cease representing that its electric fence, comprising a controller and a single wire enclosure, or "one wire plus a touch of electricity", holds live stock, unless it is explained that one wire is effective only for animals of approximately the same size or height. The respondent also agrees to stop asserting that its method of fencing saves any definite amount of money in excess of the average savings effected. (02315)

Royal China, Inc., Sebring, Ohio, has entered into a stipulation to discontinue unfair competitive practices in connection with the sale of chinaware it manufactures.

Royal China, Inc., agrees to desist from representing, or cooperatively engaging with the purchasers in representing, that they are its direct salesmen, or that any business relationship exists between Royal China, Inc., and such purchasers, except that, under regular sales agreements, they buy the products of the respondent company. (2388)

H. M. Sheer Company, Quincy, Ill., dealer in equipment and supplies including brooders and broiler plants, will discontinue advertising that "9 out of 10 make a big success" in the broiler business; that with an investment of $33 or any other amount charged as an initial payment, a purchaser of the respondent's products may start a profitable poultry business, and that any offer is a free trial offer so long as a cash deposit is required prior to the delivery of equipment. (02313)

Southwestern Diesel Schools, Inc., 1801 Walker Ave., Houston, Tex., and Public Office Preparation, Inc., 225 West 8th St., Kansas City, Mo., have entered into stipulations to discontinue certain misrepresentations concerning correspondence courses of instruction they sell in interstate commerce.

Southwestern Diesel Schools, Inc., sells a combination home study and practical course in Diesel engine mechanics and operation, in addition to conducting a vocational school in Houston. Public Office Preparation, Inc., sells correspondence courses intended to prepare students for examinations for Civil Service positions with the United States Government.

Both companies agree to cease overstating the opportunities for employment for those studying their courses, and to discontinue misrepresentating the actual earning power, probable salaries, promotions or future security of their graduates and students.

Under its stipulation, Southwestern Diesel Schools, Inc., agrees to stop representing that the prospective student is offered complete theory and shop training in his home town, when such is not a fact, and that the Diesel industry offers financial independence and even greater opportunities than did the automotive industry. The respondent company also will refrain from designating its course as "Diesel Engineering" so long as it does not maintain the full curriculum of an approved engineering school.

Public Office Preparation, Inc., stipulates that it will cease representing that it is especially prepared or authorized to give full information regarding Civil Service examinations; that a Civil Service position will be guaranteed to any of its students who may pass the examination with a satisfactory grade, and that it has placed more people in Government positions in three years than Harvard University has placed in 300 years. The company also agrees to desist from the use in circulars of terms and phrases so worded as to mislead prospective students into the belief that they are dealing with the United States Government, when such is not a fact. (2375 and 2379)

Tenex Manufacturing Corporation, Passaic, N. J., casein glue manufacturer, under a stipulation entered agrees to cease using on its labels or in advertisements the word "waterproof" or the phrase "immune to water" as descriptive of its Tenex Glue when in fact the product is not waterproof. (2377)

C. J. Tiller Company, Omaha, Nebr.—Clayton J. Tiller, trading as C. J. Tiller Company, in the sale of typewriter ribbons, agrees to stop the use in advertising matter of the words "Sea Island" as descriptive of products not made of Sea Island cotton, and to discontinue the use of such words together with tropical island scenery, or in any other way, to imply that the products he sells are manufactured of Sea Island cotton, when such is not a fact.

Tiller also agrees to desist from representing that he has sold "thousands" or any other indicated amount of a certain brand of desk letter trays for $3.50 or any other price, when such is not a fact, and to discontinue using the phrase "manufacturers of" on letterheads or otherwise, when in fact he did not own and operate a factory for manufacture of his products. (2384)

William H. Wise & Co., Inc., New York City, publisher, in the sale of books, agrees to stop using in advertisements or trade promotional literature the phrases "stamped in gold", "richly stamped in gold", or "rich gold stamped" as descriptive of bindings not stamped in gold or gold leaf. The respondent also agrees to cease representing that a book offered for sale is "new" or being published for the "first time" or that "never before have the contents been gathered together in one volume", when such are not the facts, and to discontinue quoting a fictitious price as being the regular price of a book. The company also will stop advertising that a price offered is made possible only through thousands of orders received prior to publication or because of the cooperation of many friends and customers, when such are not the facts. (2387)

FTC CLOSES CASE

The Federal Trade Commission has closed its case against Jowett Institute of Physical Culture, Scranton, Pa., charged with misrepresentation of the effectiveness of its correspondence courses.

In closing the case, the Commission makes known that the corporation has been inactive for more than one year and has been dissolved.

FCC Assignments For February

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF February
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Paul A. Walker
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Norman S. Case
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner T. A. M. Craven
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner George Henry Payne
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Eugene O. Sykes
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Thad H. Brown
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 6, FEBRUARY 10, 1939

Wheeler Introduces New FCC Bill

Senator Wheeler (D-Mont) introduced his bill this week to abolish the FCC and substitute a new three-man commission, with a promise that he later would propose legislation to re-define Congressional broadcasting policy.

"My observation over a long period of years convinces me that big commissions are a mistake," Mr. Wheeler said in a statement issued simultaneously with the introduction of his bill. "Personal responsibility is lost." Often we know that matters are badly handled, but we can't tell where or how the mishandling starts, or where to put the blame. Commonly, too, a big board lacks cohesion and morale. It is very likely to be an aggregation of individualists, each working too much in his own way and to his own ends, with too little common purpose of serving the public interest.

"In the Communications Commission such conditions have been aggravated because the Commission for years has been plagued by politics—not simple party politics alone, but the politics of big business too. The best way to eliminate politics is to center responsibility, carefully defined and appropriately limited, in a small group, where it cannot be dodged or divided. That way I think we can get results."

The NAB Legislative Committee, in session when the bill was introduced, gave it careful study and will recommend to the Executive Committee, meeting here Saturday and Sunday, what position the NAB should take.

The Wheeler bill, the text of which is carried in another part of the REPORTS, provides for a bipartisan commission, the members of which would serve six year terms. The commission would make decisions on all contested cases in broadcasting, telegraph, telephone and radio point-to-point communication. Three administrative assistants would handle matters in these three fields where no commission decision was necessary.

Hearings would be conducted as at present by the commission's legal staff. The bill also would set up a new research division to work on "problems related to telephone and telegraph, the analysis of listener responses to radio programs and the handling and study of listener complaints and endorsements". This same division also would handle publicity and information.

All present commission employees would be transferred to the new commission for 60 days and could be continued in a temporary status for not more than 4 months. They would be given preference for a permanent appointment.

Mr. Miller called in the Legislative and Executive Committees immediately after his return from a successful trip through NAB's western Districts. Along with the Wheeler

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

WHEELER INTRODUCES NEW FCC BILL

(Continued from page 3265)

bill, the Celler bill to protect broadcasters from libel on the part of outside speakers and numerous other measures received the Legislative Committee's attention. It was decided to have a lawyers' committee go over the Celler bill and to propose any amendments needed before NAB endorsement.

The copyright question in general and the collapse of the Brinckerhoff deal for the continuation of the NAB Bureau of Copyrights will share with the legislative situation most of the Executive Committee's discussion. Dates for the annual convention plan, for San Francisco next summer also will be discussed.

Wheeler's Statement

Senator Wheeler (D.-Mont.) issued the following statement Thursday after introducing the Administration bill to abolish the Federal Communications Commission and to substitute a three-man Federal Radio and Communications Commission:

The bill I am introducing to create a new Federal Communications and Radio Commission, replacing the present Federal Communications Commission, is intended to correct looseness and uncertainty to functioning and diffused responsibility. It provides for a board of three to head the Commission, with one of the three serving as chairman and principal executive officer. The Board would be bi-partisan, with not more than two members drawn from any political party.

The staff organization would be compact, and closely integrated internally and in its relation to the Board. Provision is made for division of functions as between broadcasting, telephone and telegraph and international radio and communications, with provisions to assure that none of these functions shall be slighted.

My observation over a long period of years convinces me that big commissions are a mistake. Personal responsibility is lost. Often we know that matters are badly handled, but we can't tell where or how the mishandling starts, or where to put the blame. Commonly, too, a big board lacks cohesion and morale. It is very likely to be an aggregation of individualists, each working too much in his own way and to his own ends, with too little common purpose of serving the public interest.

In the Communications Commission such conditions have been aggravated because the Commission for years has been plagued by politics—not simple party politics alone but the politics of big business too. The best way to eliminate politics is to center responsibility, carefully defined and appropriately limited, in a small group, where it cannot be dodged or divided. That way I think we can get results.

In this new set-up responsibility would be centered squarely upon the members of the small Board and the staff functioning under its direction.

The bill transfers to the new agency all jurisdiction, powers, duties and functions of the Federal Communications Commission under the Communications Act of 1934, as amended. Insofar as this bill is concerned, all of the substantive provisions of the Communications Act of 1934 are continued in effect and made applicable to the new agency. Any changes in substantive provisions involving such questions as the methods of regulation, ownership of broadcasting stations by newspapers, the character of radio programs, censorship, high power and superpower stations, and other policies, will be proposed in a separate bill I shall introduce later. The only changes now proposed in the existing law are changes in the administrative machinery of the agency.

Section 3 of the bill provides for the new three-man board, whose members are to be appointed by the President with the advice and consent of the Senate, and with the President designating a chairman, as at present. The terms of the members first appointed are two, four and six years, respectively; thereafter the members of the Board will hold office for staggered terms of six years each. The salary of each member of the Board will be $10,000, as at present.

A provision similar to that now contained in the Communications Act of 1934 authorizes the Board to assign or refer any portion of its work to an individual member of the Board or to one or more employees of the Commission, except the functions of making final decisions in contested cases involving the taking of testimony at public hearings. The purpose of this provision is to permit the Board to delegate purely executive functions but not final decisions of cases required to be handled in a quasi-judicial manner. The Board itself must make final decisions in all contested cases involving the weighing of evidence adduced at public hearings.

Section 4 relates to personnel and authorizes the appointment of employees subject to the Civil Service laws and the Classification Act of 1923, with certain positions exempted. The exempted positions, many of which are also exempted by the Communications Act, include a general counsel, a chief engineer and a chief accountant, their assistants, and a secretary of the Commission. The bill also exempts attorneys, as in most of the Government agencies, and also a few new positions, such as those of an administrative assistant for broadcasting, an administrative assistant for communications carriers, an administrative assistant for international radio and communications, and a chief of a new Department of Research and Information.

The functions of the latter department will include one not now specifically provided for in the Communications Act, but badly needed. This consists primarily of research on problems relating to telephone and telegraph, the analysis of listener responses to radio programs, and the handling and study of the multitude of listener complaints and indorsements. With such measures the Commission would establish, for the first time, a close contact with listeners and the users of telephone and telegraph facilities, and be far better equipped to develop standards for its allocations of broadcast frequencies and for regulation of the communications industries. Along with this would go the compiling and analysis of other information needed by the Board and to be disseminated to the public.

Section 5 provides for an administrative assistant to the Board to handle matters relating to domestic broadcasting. This administrative assistant is under the administrative supervision of the Chairman. The administrative assistant is not authorized to make final decisions on any quasi-judicial matters. His duty is primarily that of an executive officer responsible to the Board for the efficient and expeditious handling and presentation to the Board of certain important matters committed to the Board's jurisdiction.

Section 6 provides for the administrative assistant to the Board on matters relating to communications carriers, and Section 7 for the administrative assistant for international radio and communications matters.

Section 7 transfers the present employees, records, properties and appropriations of the Federal Communications Commission to the new Commission. All present employees are transferred for a period of sixty (60) days and may be continued in a temporary status for not more than four months. They are given a preference for appointment in a permanent status to any position for which, in the opinion of the Board, they are qualified. I have no doubt that most of the present employees will be retained. However, in view of unsatisfactory conditions in the present Commission and the uncertainty as to how far the responsibility for them extends down the line, the new Board should be free to make such personnel changes as the public interest might require.

Sections 9, 10 and 11 contain various provisions necessary to give effect to the new plan of reorganization. They make no substantive change in the law.

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Wheeler's Bill

To amend the Communications Act of 1934, as amended, and for other purposes.

DEFINITIONS

Sec. 1. For the purpose of this Act, unless the context otherwise requires;

(a) "Commission" means the Federal Communications and Radio Commission created by section 2 of this Act;

(b) "Board" means the Board of the Commission;

(c) "Chairman" means the chairman of the Board.

FEDERAL COMMUNICATIONS AND RADIO COMMISSION

Sec. 2. There is hereby created an agency to be known as the Federal Communications and Radio Commission which shall be administered by a Board composed of three members. All jurisdiction, powers, duties, and functions of the Federal Communications Commission under the Communications Act of 1934, as amended, are hereby imposed upon and vested in the Commission. The provisions of the Communications Act of 1934, as herein amended, shall until further action by the Congress, continue in full force and effect, and shall apply to the Commission and to members of the Board to the same extent as said Act is now applicable to the Federal Communications Commission and to members thereof. The Commission shall have an official seal which shall be judicially noticed.

BOARD

Sec. 3. The members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman, who shall be the principal executive officer of the Commission. The members of the Board first appointed shall continue in office for terms of two, four and six years respectively, from December 31 next following the date of their appointment, the term of each to be designated by the President, but their successors shall be appointed for terms of six years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. The members of the Board shall receive a salary at the rate of $10,000 per annum. Two members of the Board shall constitute a quorum. Not more than two members of the Board shall be of the same political party. The Board shall have power to perform any and all acts, to prescribe, issue, make, amend, and rescind such orders, rules and regulations and to hold such hearings as it may find necessary or appropriate to carry out the provisions of this Act. The Board is hereby authorized by its order to assign or refer any portion of its work, business or functions to an individual member of the Board or to an employee or employees of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference; Provided, however, That this authority shall not apply to the making of final decisions in contested proceedings involving the taking of testimony at public hearings.

Personnel

Sec. 4 Without regard to the civil service laws or the Classification Act of 1923, as amended, (1) the Board may appoint and prescribe the duties and fix the salaries of an administrative assistant for broadcasting, an administrative assistant for communications carriers, an administrative assistant for international radio and communications, a secretary of the Commission, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, a director of research and information and not more than two assistants, and subject to the Classification Act of 1923, as amended, such attorneys as are necessary in the execution of the functions of the Commission; (2) each Commissioner may appoint and prescribe the duties of an assistant at an annual salary not to exceed $5,000, and a secretary at an annual salary not to exceed $3,000. The three administrative assistants, the general counsel, the chief engineer and the chief accountant shall each receive an annual salary not to exceed $9,000; the secretary of the Commission shall receive an annual salary not to exceed $7,500, and the director of research and information shall receive an annual salary of not to exceed $8,000. The assistants to the chief engineer, chief accountant and general counsel shall each receive an annual salary not in excess of $7,500 and the assistants to the director of research and information shall not receive an annual salary in excess of $6,000 each. Subject to the civil service laws and the Classification Act of 1923, as amended, the Board may appoint such officers, engineers, accountants, inspectors and other employees as are necessary in the execution of the functions of the Commission.

Administrative Assistant for Broadcasting

Sec. 5. The Administrative Assistant for Broadcasting, under the administrative supervision of the Chairman, shall be responsible for the efficient and expeditious handling and presentation to the Board of all matters relating to or connected with broadcasting (except international broadcasting).

Administrative Assistant for Communications Carriers

Sec. 6. The Administrative Assistant for Communications Carriers, under the administrative supervision of the Chairman, shall be responsible for the efficient and expeditious handling and presentation to the Board of all matters relating to or connected with record communications by wire, radio or cable and all forms and classes of fixed and mobile radio telegraph service (other than international record communications) and all matters relating to or connected with telephone communications (other than broadcasting) by wire, radio or cable including all forms of fixed and mobile radio, telephone service, (other than international telephone communications).

Administrative Assistant for International Radio and Communications

Sec. 7. The Administrative Assistant for International Radio and Communications, under the administrative supervision of the Chairman, shall be responsible for the efficient and expeditious handling and presentation to the Board of all matters relating to or connected with international radio and international communications.

Transfer of Employees, Records, Property and Appropriations

Sec. 8. (a) All officers and employees of the Federal Communications Commission (except the members thereof, whose offices are hereby abolished) are hereby transferred to the Commission, without change in classification or compensation for a period of sixty (60) days or for such longer period, not to exceed four months, in a temporary status, as may be deemed necessary by the Board, subject to appropriate adjustment of classification or compensation to conform to the duties to which they may be assigned. All such officers and employees shall be eligible and shall have preference for appointment in a permanent status to any position for which, in the opinion of the Board they are qualified.

(b) There are hereby transferred to the jurisdiction and control of the Commission all records and property (including office furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Communications Commission.

(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Communications Commission shall be available for expenditure by the Commission for any and all authorized objects of expenditure in the discretion of the Board, without regard to the requirements of apportionment under the Anti-deficiency Act of February 27, 1906. To the extent that it may be practicable to do so, the Board shall allocate a portion of its available funds for expenditure exclusively in the performance of functions relating to broadcasting and communications carriers, respectively, and shall make its expenditures in the performance of such functions in accordance with such allocations; Provided, That if the Board at any time determines that any such allocation is in excess of the amount necessary for the performance of the functions for which such allocation was made, such excess may be used in the discretion of the Board for the performance of some other function.

Effect of Transfers, Repeals and Amendments

Sec. 9. (a) All orders, determinations, rules, regulations, permits, contracts, licenses and privileges, which have been issued, made or granted by the Federal Communications Commission under any provisions of law, repealed, or amended by this Act or in the exercise of duties, powers, functions, transferred to the Commission by this Act and which are in effect at the time this Act takes effect, shall continue in effect until modified, terminated, superseded or repealed by the Commission or by the operation of law.

(b) Any proceeding, hearing or investigation commenced or pending before the Federal Communications Commission on the effective date of this Act shall be continued by the Commission in the same manner as though originally commenced by the Commission.

(c) All records transferred to the Commission under this Act shall be available for use by the Commission to the same extent as if such records were original records of the Commission.

(d) The provisions of this Act shall not affect suits commenced prior to the effective date of this Act and all such suits shall be continued, proceedings therein had, appeals therein taken and judgments therein rendered in the same manner and with the same effect as if this Act had not been passed. No suit, action or other proceeding lawfully commenced by or against the Federal Communications Commission or any member, officer or employee, thereof, in relation to the discharge of official duties, shall abate by reason of any transfer or authority, power and duties from the Federal Communications Commission or from such member, officer or employee to the Commission under the provisions of this Act, but the Court, upon the motion or supplemental petition, filed at any time within twelve (12) months after such transfer, showing the necessity for a survival of such suit, action or other proceeding to obtain a settlement of the question involved, may allow the same to be maintained by or against the Commission.

(e) The proceedings to enforce or set aside orders of the Commission and appeals from orders of the Commission shall be in the same manner and in the same courts as provided in the Communications Act of 1934, as amended, for enforcing or setting aside orders of the Federal Communications Commission and for appeals from such orders.

Amendments of Communications Act of 1934

Sec. 10. Subdivisions (a), (c), (d), (f), (h), (i), and (n) of Section 4 and Section 5 of the Communications Act of 1934, as amended, are hereby repealed.

Effective Date

Sec. 11. This Act shall take effect as soon as the members of the Board shall have taken office.

LEGISLATIVE COMMITTEE MEETS

In order to make an immediate and comprehensive study of fresh industry problems evoked by new bills introduced in Congress, President Miller this week met Thursday with the NAB Legislative Committee.

Chairman John Kennedy, WCHS; Harry Butcher, CBS; William Dolph, WOL; Luther Hill, KRNT; Frank Russell, NBC; and Theodore Streibert, WOR, attended.

The committee will submit its recommendations to the Executive Committee, scheduled to meet at Headquarters on Saturday and Sunday, February 11 and 12.

Labor

AFRA AGREEMENT

Both NBC and CBS told the NAB this week that the contracts covering commercial programs which they signed last week with AFRA do not affect their network affiliates directly. To the contrary, they say, a clause was inserted at their insistence to protect the receipt of network commercials by affiliates during any controversy the affiliates might have with AFRA. This clause says:

"So long as the producer performs this code, AFRA will not strike against the producer as to the performers covered by this code in the field covered by this code. To the extent AFRA has agreed not to strike, it will order its members to perform their contracts with the producer. This paragraph only applies to producers who sign this code."

Although NBC and CBS signed the agreement, a number of advertising agencies have signified their intention of complying with the terms, by letter to the networks.

AFRA CERTIFIED AT WEW

The National Labor Relations Board has certified the St. Louis Local, American Federation of Radio Artists (AFofL), as sole collective bargaining agent for staff actors, singers, and announcers, as well as all free-lance actors, singers, and announcers employed by St. Louis University at its radio station WEW in St. Louis, Mo., following a secret ballot election held on January 6 resulting in a count of four to two for the A. F. of L. union.

FREE OFFERS

The American Life and Accident Insurance Company is renewing its proposal for commission advertising, despite the NAB's notice that such was banned by the NAB Code of Ethics. The number of follow-ups reaching Headquarters indicates that the insurance company is wasting postage.

The duPont interests are disturbed about the NAB's opinion that use of one of their free offers—telling housewives how to decorate with cellophane—would constitute a violation of the code. F. J. Byrne, chief of their public relations department, came to Headquarters to explain how such material was sent out only on request, that many stations made much use of their "style" service as well as of their news bulletins, and that they bought and paid for a great deal of radio time. Of course, the NAB realizes that there is a fine line between news and advertising sometimes. Members are urged carefully to look for "commercial" material in the "news" sent out by corporations, etc.

The Macfadden Publications are again offering dramatic skits in return for a credit line. The NAB has advised this company that acceptance of its offer would constitute code violation.

Junior chambers of commerce are asking for free time for speeches to be delivered by local members and prepared by the national junior chamber with the assistance of Brookings Institution. They purport to educate the average man in the fundamentals of economics and to be non-partisan. Labor leaders and New Dealers generally take issue with Brookings economic theories and might claim the right to answer these talks.

The National Wildlife Federation, through Steve Hannagan, is asking for free time for spot announcements about wild life conservation. These appear to be non-commercial.

Dr. C. A. Scates of Del Rio, Tex., has asked a southwestern member to sell medicine on a 50-50 basis. The member refused.

Ernest Cutting, who represents himself as a New York radio talent scout, has asked a member to plug his future appearance in the member's city, in return for 20 per cent of the amount he takes at $5 per audition. The NAB has notified Mr. Cutting that acceptance of his proposal would constitute a violation of the NAB code.

The Safe Winter Driving League reports to the NAB that it is working with "numerous insurance companies." The NAB hopes at some early date to work out a coordinated highway safety program that will eliminate all requests for safety programs such as the League's.

TO WESTERN MEMBERS

I would like to express our thanks for the splendid manner in which broadcasters turned out for the five NAB District Meetings in Denver, Portland, San Francisco, Los Angeles and Mineral Wells, Texas.

The attendance at all meetings was unusually large, and particularly gratifying to all of us at Headquarters has been the significant fact that each meeting resulted in an increase in the NAB membership in those districts where meetings were held.

There was a seriousness of purpose pervading our conferences. Industry problems were fully discussed and analyzed. We are a better informed industry because of them. I believe we all have a better understanding of our common problems. This is especially reflected in the rising number of pledges to the FREC fund which have followed us home. In addition to industry problems, we discussed sales problems as well and the Sales Managers meetings will prove of inestimable benefit to the commercial side of the industry.

Ed Kirby who accompanied me, joins in my thanks to all broadcasters for their courtesy, kindness and warm-hearted hospitality.

Gratefully yours,
Neville Miller, *President.*

MONOPOLY HEARING

Columbia concluded its testimony and Mutual took the stand this week at the FCC monopoly hearing. The relationship between the stations in the Mutual system occupied the Commission during the first day of the MBS testimony.

FEBRUARY 2

Dr. Frank Stanton, manager of the CBS Market Research Division, was on the stand all day, discussing various exhibits dealing with Columbia's coverage, listener habits, and so forth, and the social and economic phases of network broadcasting.

FEBRUARY 3

Dr. Stanton again took the stand to put more exhibits into the record. He was carefully questioned about the "typical CBS affiliate" which, he said, received a net of $58,819 from Columbia out of a total net revenue of $213,000 in 1937. Then Dr. Stanton discussed the factors motivating advertisers in selection of stations and the effect of network affiliation on stations. Limitation upon the size of networks, he said, would militate against the smaller stations because the advertiser would be inclined to choose the larger stations if the number of stations on a network were limited. In the afternoon, Lawrence W. Lowman, vice-president in charge of operation, discussed the Columbia Artists Bureau which, he said, manages about 110 artists. Ten thousand artists were available in New York alone, he added. In 1937, he said, the artists bureau made a profit of $82,671, while Columbia Management of California, Inc., lost $6,707. Dr. Stanton went back to the stand, after Mr. Lowman completed his testimony, for additional testimony about payments to affiliates, a subject in which the Commission appeared to have a great deal of interest. He then told about an analysis of 43,373 pieces of mail CBS received from December 11 to 17, 1938. About 25 per cent of this mail included comment on programs. Thirteen per cent of the comment on commercial programs were adverse, while only two per cent of the comment on sustaining was adverse. Sixty-six per cent of the comment on commercials was appreciative, while 78 per cent on sustaining was appreciative, he said. This completed Columbia's testimony.

FEBRUARY 7

The Mutual Broadcasting System opened its testimony with a description of its A. T. and T. service by Andrew L. Poole, Traffic Manager. Elbert M. Antrim, Secretary-Treasurer, then started a description of Mutual's structure and its relationship with members, "participating" members and affiliates. He pointed out that WGN, Inc., and the Bamberger Broadcasting System, Inc., (WOR) each owned 50 per cent of the 15 shares of Mutual stock, and that WLW had owned five of these shares from January 20 to August 20, 1936. Since it dropped its "member" status, WLW has been an "affiliate," Mr. Antrim said. He said WGN, Inc., was wholly owned by the Tribune Company, while the Bamberger Broadcasting System, Inc., was wholly owned by R. H. Macy and Co.—and that further details as to ownership would be developed by the recent FCC questionnaire. He pointed out that the only programs Mutual in itself produced came from Europe where John S. Steele was a full time representative of the system.

Asked to describe "the nature and character of activities engaged in by Mutual," Mr. Antrim said:

"It is a corporation designed primarily for making available programs, both sustaining and commercial, for the different members, different stations comprising the system. It makes contracts with the telephone company for lines for such service, contracts with advertisers for the commercial programs involved. It assembles from lists of available sustaining programs those which it believes are the best from different standpoints to put on the lines to be available for sustaining service to the network."

With Louis G. Caldwell, attorney, asking the questions, Mr. Antrim summarized the relationship between the network and its member stations (WGN and WOR) and its participating organizations (Colonial Network, United Broadcasting Company, CKLW and the Don Lee Networks) as follows:

Q. Mr. Antrim, we have completed the contracts now in force between the Mutual and the two member stations and the four participating organizations, I want to ask you to summarize these so far as they are possible on their financial side. It it not true that in each case the basic figure is the station's national card rate?

A. That is right.

Q. Out of that in all cases, all six of these organizations is first taken an agency commission of 15 per cent?

A. Correct.

Q. After that in all cases a commission of 3½ per cent is retained by Mutual except where the account is secured by the station itself?

A. Correct.

Q. The one apparent exception to that was the Colonial contract in Boston, in New England. Will you explain the omission of any retaining of 2 per cent by that organization?

A. Well, the reason it is not covered in the contract was that we have never had any occasion where a contract was sold by the Sheppard organization but we realize that if such a piece of business were sold by Colonial Network it probably would be in connection with the New York agency; it would require a certain amount of servicing and although it is not stated in the contract, Mutual would pay to Sheppard 2 per cent commission on that.

Q. If the servicing were done by Sheppard?

A. Yes.

Q. If it were done by Mutual, Mutual would retain 3½ per cent?

A. That is right.

Q. Now after these two figures are deducted, the agency commission of 15 per cent and 3½ per cent to Mutual, take next the operating expenses, those are budgeted once a year?

A. That is right.

Q. And divided into shares?

A. Yes.

Q. Now the basic member share for this current year is $3775.00?

A. That is right.

Q. And that is paid by WGN, WOR, Colonial and Don Lee?

A. That is right; four members.

Q. Now with respect to United, you state its payment this year is $2775.00?

A. If that is the amount.

Q. At any rate it is the amount inherited from the provision that was in effect a couple of years ago?

A. That is right. It hasn't been increased.

Q. The reason for not increasing it has been what?

A. Lack of revenue.

Q. Let's leave aside CKLW for the moment on operating expenses and wire line expenses. With respect to the others then the provision is $3775 for four members and $2775 for the fifth member monthly?

A. That is right.

Q. Now the fourth item is wire line expense. Still leaving aside CKLW, Colonial doesn't contribute to the wire line expense because it maintains its own system?

A. That is right.

Q. United pays a definite sum of $534 monthly which represents the cost of connecting it with the System?

A. That is right.

Q. Don Lee pays five-eighths of the cost of the Chicago-Los Angeles line under the present sums which it is receiving after certain other contributions have been deducted by stations along that line?

A. That is right.

Q. All the balance of the wire line cost except what may be contributed by affiliated stations is borne by WOR and WGN equally?

A. That is correct.

Q. With respect to CKLW, its obligation is less than the others for what reason?

A. On account of lack of revenue from programs on their station.

Q. That has been reduced to definite figures or definite limits?

A. Yes. As I stated, I think it is $30,000. The deductions are 3½ per cent commission then $30,000, then any receipts above $30,000, 85 per cent of the next $25,000 and then 50 per cent of any above those two amounts.

Q. Suppose now that the sum received on CKLW's account by Mutual, that is time sold over CKLW, is $30,000, how is that divided on your books between wire lines and operating costs?

A. It would be about $20,000 to wire lines and ten to operating costs. In other words,——

Q. (Interposing) That is per year?

A. Per year.

Q. Two-thirds to wire lines and one-third to operating cost?

A. That is the ratio of wire lines to operating cost of Mutual, generally speaking.

Summarizing the relationships with affiliated stations, Mr. Antrim said they were governed by "either formal contracts or letters which provide that the affiliated station pays the line charges for the connection with the Mutual circuit and they pay Mutual a certain commission, and Mutual on its part provides them with sustaining programs without cost and commercial programs."

CONGRESSIONAL SPEECHES

Arrangements have been made with Radioscriptions, a recording organization in Washington, with offices in the Old House Office Building, to record talks by your Congressman or Senator, at the price of $3.50 per program including mailing for members of NAB who are interested in this type of program. Arrangements can be made through NAB Headquarters office or by writing directly to Radioscriptions.

WATL REQUEST

Any station having a William A. Weatherford, Jr., approach them regarding work of any kind is requested to communicate with Radio Station WATL, Atlanta, Ga.

"MARCH OF DIMES"

The Radio Industry, the chief promotional avenue through which flowed this year's "March of Dimes" campaign, received the thanks of Keith Morgan, Chairman of the Committee for the Celebration of the President's Birthday Celebration Committee.

Mr. Morgan wired Neville Miller, NAB president, who served as chairman of the Radio Council, the following:

> "To you as chairman of the Radio Council and through you to its members may I, on this, the President's 57th birthday, express our appreciation for your fine services. I know results will be gratifying. You and your Council members are a vital part of the hearty band of pioneers who have joined forces to stamp out that costly disease infantile paralysis. To you my heartfelt thanks."

LARGE ATTENDANCE AT WESTERN DISTRICT MEETINGS

The following attended the Fifteenth District Meeting in San Francisco, January 25:

Lloyd Yoder, Ray Rhodes, W. B. Ryan, Gene Grant, Bob McAndrews, G. H. Ticer, Milton Samuel, KGO-KPO; Fred Macpherson, Art Westlund, KRE; Bill Smullin, KIEM; Ed Franklin, Leon Churchon, Irwin Sidney, David McKay, KJBS; Lou Keplinger, KARM; Henry M. Jackson, Clyde H. Coombs, Columbia Broadcasting System; Les Hacker, John C. Clifton, KVEC; Wilt Gunzendorfer, KSRO; William D. Pabst, Merwyn L. McCabe, Jack O. Hall, Ward D. Ingrim, KFRC; Howard V. Walters, KDON; C. S. Harper, H. O. Fiebig, C. L. McCarthy, KQW; Neville Miller, Edward M. Kirby, National Association of Broadcasters; Charles P. Scott, Charles A. Whitmore, KTKC; Howard Lane, McClatchy Broadcasting Company; S. H. Patterson, William C. Grone, KSAN; Will Thompson, Jr., KROY; S. W. Warner, F. Wellington Morse, KLS; Preston D. Allen, Howard N. Smith, KLX; Philip G. Lasky, Lew Lasky, Frank Oxanart, R. W. Dumm, KSFO.

Stations represented at the Sixteenth District Meeting at Los Angeles on January 27:

L. A. Schamblin, Mgr., KPMC; L. W. Peters, Mgr., KIEV; Lawrence W. McDowell, Com. Mgr., KFOX; C. Merwin Dobyns, Owner-Mgr., KGER; Harrison Holliway, Mgr., KFI; Jack Gross, Mgr., KEHE; Calvin J. Smith, Mgr., KFAC; H. Duke Hancock, Mgr., KGFJ; Lewis Allen Weiss, V.P., Don Lee Broadcasting Co., representing KHJ, KGB, and KDB; J. C. Lee, Mgr., KFXM; Chet Mittendorf, Sales Mgr., KFWB; Kenneth O. Tinkham, Mgr., KMTR; T. M. Storke, Owner, KTMS; Leo B. Tyson, Mgr., KMPC; Ralph Brunton, Mgr., KJBS; Don Gilman, Vice. Pres., National Broadcasting Co.; D. W. Thornburgh, CBS, Vice Pres., Columbia Broadcasting System, KNX, Director 16th District; Fred A. Palmer, Mgr., KOY; and E. B. Sturdivant, Mgr., KUMA, Yuma.

Others attending the Sixteenth District Meeting were:

Clyde Scott, Sales Mgr., KFI-KECA, Los Angeles; Reid Collister, Sales Mgr., KIEV, Glendale; Harry Witt, Sales Mgr., KNX, Los Angeles; George Moskovics, Radio Sales, KNX, Los Angeles; Sidney Gaynor, Com. Mgr., KHJ, Los Angeles; Thayer Ridgeway, Com. Mgr., Don Lee Network, KHJ, Los Angeles; John Babcock, Sales Mgr., KFAC, Los Angeles; Arthur J. Kemp, Sales Mgr., Pacific Network-CBS, San Francisco; Sidney Dixon, Sales Mgr., Western Division-NBC, Hollywood; Carl Haverlin, Davis & Schwegler; Jerry Mara, C. P. McGregor Transc.; Gerald King, Standard Radio Transc.; Wm. H. Beltz, R. C. A., Los Angeles; Harry Myerson; Arthur Rowe, Golden Gate Expo.; Leslie Hewitt, Golden Gate Expo.; Jack Hellman, Variety, Hollywood; Jack Beaman, Variety, Hollywood; Wm. Bloecher, Reporter, Hollywood; Grant Wood, Report, Hollywood; Fox Case, Public Affairs-CBS, Hollywood; Hal Rorke, Pub. Dir., CBS, Hollywood; Carl Moritz, Pub. Dept., KNX, Hollywood; Ted Allan, Photographs, CBS, Hollywood; Glan Heisch, Pgm. Dir., KFI-KECA, Los Angeles; Gene Lee and two others, KFXM, San Bernardino; W. Mason Talley, Sales Mgr., KUMA, Yuma; Kevin Sweeney, Promotion Dept., KNX, Hollywood; David Glickman, Representing Broadcasting, Hollywood; Doc. Powers, Representing, Western Advertising; Mr. Bussy, Rim; Mr. Charles Storke, KTMS, Santa Barbara.

Legal

STATE BILLS INTRODUCED TO CURB MUSIC MONOPOLIES

Bills have been introduced in New Mexico and Pennsylvania seeking to curb the activities of pools controlling public performance of copyright music. It is reported that bills also have been introduced in a number of other states, but definite information with respect to these states had not been received at the time of going to press. The Pennsylvania bill H. 194 prohibits monopolies, pools and combinations in connection with copyrighted music and the fixing of prices for public performance. It also requires registration of the compositions with a state authority as a condition precedent to licensing.

The legislature of North Carolina has before it a bill to abrogate common law rights of performing artists in phonograph records, transcriptions and other recordings. This bill is similar to the one introduced in South Carolina (NAB Reports, February 3), which has been passed by the House of that state and is now before the Senate.

It is reported that a hearing on the Connecticut bill (NAB Reports, January 27) will be held within the next two weeks. This bill is said by lawyers to meet all constitutional objections, and Senator Enquist, who is sponsoring the bill, states that he has received many favorable communications from all parts of the United States.

The bill introduced in Illinois (NAB REPORTS, February 3) incorporates the principles of the Nebraska-Florida statutes, which are claimed to be unconstitutional. It prohibits any combination of copyright owners of musical compositions which constitute a substantial number of all such owners in the United States. It also requires that the sale price of sheet music shall be stamped upon the music and that a purchaser at that price shall also acquire the right to perform the composition, either privately or publicly.

PROPOSED BROADCASTING BILLS

The following bills have been introduced in Congress and state legislatures:

CONGRESS

H. R. 3752 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To amend Section 303(1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. Same as S——

H. J. Res. 149 (Mr. Sirovich, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee.

STATE LEGISLATURES

CALIFORNIA:

A. 2 (Meehan) TRANSACTIONS TAX PENSION PAYMENTS—Sets up unstated transactions tax to finance pension payments of $60 each to married couples past 60 and $75 to surviving spouse. Referred to Social Security Committee.

A. 99 (Voight) BANK AND CORPORATION TAXES—Provides for an increase in bank and corporation taxes. Referred to Revenue Committee.

A. 250 (Tenney) MANAGERIAL CONTRACTS—Prohibiting managerial contracts for longer than one year unless the pay is at least $75.00 per week. Referred to Labor Committee.

KANSAS:

H. 201 (Kessler) ELECTRICAL ADMINISTRATION BOARD—Provides for inspection of all electrical installations excepting mines, railroad cars, auto equipment, telephones, and telegraph. Sets standards, procedure, permits and fees.

MASSACHUSETTS:

H. 1924 (From the files) RADIO—Creating a state radio commission and providing for the licensing and regulating of radio stations by the commonwealth. Referred to State Administration Committee.

MONTANA:

S. 1657 (Foor) RADIO—FREEDOM OF SPEECH—Relating to freedom of speech over radio and liability for libel and slander.

NEW HAMPSHIRE:

H. 190 (Fernald) COLLECTION AGENCIES—Provides laws against collection agencies. Referred to Revision Committee.

NEW MEXICO:

S. 85 (Harris et al.) MUSICAL COMPOSITIONS—Provides for copyrights and public performance rights of musical compositions. Referred to State Affairs Committee.

NEW YORK:

A. 634 (Feely) Same as S. 14, 19; A. 9. RACE HATRED—Makes it a misdemeanor to incite, advocate or promote hatred, violence or hostility against any person or group by reason of race, color, religion or manner of worship. Referred to Codes Committee.

A. 790 (Mitchell) Same as S. 562. TELEGRAPH AND TELEPHONE MESSAGES—EMPLOYEES—Makes it a misdemeanor to wrongfully obtain text or information contained in telegraph or through telephone messages and for employee to wilfully refuse or neglect to transmit or deliver message received unless same is in aid of unlawful business or to perpetuate crime and in such case information shall be transmitted to district attorney and message withheld. Referred to Judiciary Committee.

A. 791 (Mitchell) Same as S. 563. TELEGRAPH AND TELEPHONE COMMUNICATIONS—INTERCEPTION—Permits magistrates upon oath of district attorney or law enforcement agency to issue ex parte order for interception of telegraph and telephone communications for use as evidence of crime. Referred to Judiciary Committee.

A. 792 (Mitchell) Same as S. 564. TELEPHONE AND TELEGRAPH MESSAGES—INTERCEPTION—Guarantees security from unreasonable interception of telephone and telegraph messages, permits issuance of ex parte orders or warrants only on the ground that evidence of crime may be obtained and prohibits use of any such messages obtained without court order. Referred to Judiciary Committee.

S. 562 (Coudert) Same as A. 790, above. Referred to Codes Committee.

S. 563 (Coudert) Same as A. 791, above. Referred to Codes Committee.

S. 564 (Coudert) Same as A. 792, above. Referred to Judiciary Committee.

NORTH CAROLINA:

S. 95 (Separk) RECORDED MUSIC—SALES FEES—Preventing claims for additional compensation fees or payment for sale of phonograph records, transcriptions or any form of recorded music and entertainment, or collection of licenses for the use of same after sale, by any performing artist, manufacturer or organization representing such performing artist or manufacturer, and to protect the purchaser thereof in its or their use for any purpose whatever. Referred to Judiciary Committee.

PENNSYLVANIA:

H. 198 (Melchiorre) MUSICAL COMPOSITIONS—COPYRIGHTS—Prohibiting monopolies, pools and combinations in connection with copyrighted vocal or instrumental musical compositions; prohibiting fixing of prices for rendition of copyrighted musical compositions; providing for registration of compositions with State; providing for civil and criminal procedure.

CASE CONFIRMED

On Monday, the Senate confirmed the nomination of Norman S. Case as a member of the Federal Communications Commission for seven years from July 1, 1938. Mr. Case has been a member since July 1, 1934, when the Federal Communications Commission Act became effective.

ENGINEER LICENSE BILL

Representative Lea (D-Calif.) introduced a bill (H. R. 3752) this week to amend section 303 of the Communications Act dealing with engineers, as follows:

> "(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States who are twenty-one years of age or over as the Commission finds qualified: provided, that the Commission may waive the age-limit provisions of this paragraph insofar as the issuance of licenses to amateur operators is concerned."

FCC APPROPRIATION

The House Appropriations Committee reported the Independent Offices Appropriation Bill this week without any recommendation for the Federal Communications Commission. In explanation, the committee said:

> "The committee had before it a budget estimate of $2,038,175 for the Federal Communications Commission, an increase of $293,175 over 1939. During the hearings on the bill the President transmitted a message to Congress recommending fundamental organic changes in this agency. In view of the possibility that changes vitally affecting the set-up of the Commission and materially altering the budget requirements may become law before July 1, it was decided to defer action on the estimates at this time. They will be considered in a subsequent appropriation measure in the light of such legislative action as may have been decided on."

BALANCE SHEETS DUE AT FCC BY MARCH 15

To All Standard Broadcast Station Licensees:

Section 15.11 of the Commission's Rules of Practice and Procedure, approved November 28, 1938, and made effective January 1, 1939, provides that each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year a balance sheet showing the financial condition of the licensee as of December 31 of the preceding year and an income statement for the preceding calendar year.

The forms to be used for the year 1938 in compliance with this rule will soon be available for distribution. Due to this delay in the distribution of the forms, the time limit for the filing of these data for the year 1938 will be extended to March 15, 1939.

The forms provide in general for the filing of a balance sheet as of December 31, 1938, and information as to earnings and other data for the year 1938, similar to what were required for the year 1937 by Commission Order No. 38. They provide also for the submission of data on personnel for the week beginning December 11, 1938, and information as to program service for the same week, similar to the data and information that were required by the Commission's Order of April 22, 1938.

The principal changes from the 1937 reports concern the earnings from the sale of time. With respect to earnings from sales to networks, such earnings are to be shown as "Sales to national networks," "Sales to regional networks," and "Sales to other networks." With respect to earnings from other sales of time, the division will be made among "Sales to national users," "Sales to regional users," "Sales to local users," and "Sales to other persons," such as sales of time through lease to others or other bulk-sales arrangements. In each case of network sales, the name of the network and the total number of hours furnished to the network will be required.

T. J. Slowie, *Secretary.*

FCC RULES AMENDMENTS

The FCC on January 30 amended Sections 9.01, 15.17 and 16.02 of the Rules of Practice and Procedure. Section 9.01 as amended will read as follows:

> "Sec. 9.01. *Service, proof of service.* All pleadings, petitions, motions, or other documents (other than applications under Title II, formal complaints, supplemental complaints, cross-complaints and amended complaints) filed in any proceeding shall be served by the party filing the same upon all parties of record, as follows:
>
> "Service upon common carriers shall be made as provided in Section 413 of the Communications Act of 1934, as amended.
>
> "In all other cases whenever under these rules service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.
>
> "Proof of service as provided in the foregoing shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgment shall be made on all copies filed."

In order to correct an error in the headnote of Sec. 15.17 the letter "s" was deleted in "broadcast services" so that the headnote will read:

> "Sec. 15.17. Multiple applications; broadcast service."

The second paragraph of Section 16.02 was deleted and a new rule adopted. Accordingly Section 6.03 will read as follows:

> "Sec. 6.03. *Complaints.* Communications to the Commission complaining of anything done, or omitted to be done, in contravention of the provisions of the Act, except formal and informal complaints filed under Part 16 hereof, may, in the discretion of the Commission, be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such communications shall not be deemed to be either formal or informal complaints within the meaning of these rules, irrespective of any action taken thereon by the Commission."

The Title of Part 6 as amended will read:

> "Part 6. PETITIONS AND COMPLAINTS"

A change in the Table of Contents will be as follows:

> Change "Part 6. PETITIONS" to read: "Part 6. PETITIONS AND COMPLAINTS." The following new sub-part heading added: "Complaints . . . 6.03."

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission this week unanimously (Commissioner Payne not participating) denied the application of the Crosley Radio Corporation, **Cincinnati, Ohio,** for an extension of the special experimental authorization for 500,000 watts for WLW.

In its decision, the Commission stated that the applicant had failed "to sustain the burden of showing that the special authorization requested is necessary in order to accomplish a proposed program of experimentation which will offer promise of substantial contribution to the radio art."

The decision of the Commission stated that March 1 is to be the effective date of the Commission's order. In other words, on that date WLW goes back to its 50,000 watt assignment.

"In the final disposition of this case," said the Commission, "even if it were assumed by the Commission that the proposed program of experimentation would constitute a substantial contribution to the radio art, and even if it were further assumed that an output of 500 KW is essential to the accomplishment of certain aspects of this program of experimentation, nevertheless, in view of the fact that the applicant has failed utterly to show, and the Commission is unable to find, that the use of the frequency of **700 kc.,** with power of 500 KW, unlimited time, is necessary to accomplish the proposed program of experimentation, the request for an extension of special experimental authorization to operate on the frequency of **700 kc.,** with power output of 500 KW, unlimited time, must be denied."

In its conclusions in the WLW case, the Commission said:

"To the extent that a power output of 500 KW may be necessary to carry out the applicant's proposed program of experimentation, insofar as it contemplates further investigation into the technical aspects of transmitter equipment, the applicant has sufficient authority to experiment in this field under its experimental license for Station W8XO, and the extension of the special experimental authorization of Station WLW for this purpose is not justified.

"In so far as the proposed program of experimentation contemplates studies in the secondary service area of Station WLW requiring a power output of 500 KW, the experimentation can be carried on only during the nighttime, and the extension of the special experimental authorization of Station WLW permitting unlimited hours of operation on 500 KW for this purpose is not justified.

"Insofar as the proposed program of experimentation includes studies of daytime service, a power output of 500 KW for Station WLW is not necessary, and therefore the extension of the special experimental authorization of Station WLW for this purpose is not justified."

The Commission has granted the application of the First Baptist Church, **Pontiac, Michigan,** for authority to transmit programs from the applicant's studio in Pontiac over the wire lines of the Michigan Bell Telephone Company to Windsor, Ontario, Canada, there to be broadcast over Station CKLW.

Commissioners Case and Payne did not participate in this case.

The application of the Kentucky Broadcasting Corporation for the construction of a new station at **Louisville, Kentucky,** has been granted by the Commission. The station will operate on **1210 kilocycles,** 100 watts night, 250 watts day, unlimited hours.

It was found by the Commission that a public need exists for the proposed service and, said the Commission, "there is reasonable assurance that sufficient commercial support is available to provide the finances necessary to operate in the public interest." It was stated also by the Commission that the operation of the proposed station will not have any detrimental effect upon the continued operation in the public interest of Stations WHAS, WAVE, and WGRC.

The Commission has denied the application of Broadcasting Station KMED, **Medford, Oregon,** which operates on **1410 kilocycles,** 250 watts, unlimited time, to continue with the same frequency with **1000 watts,** unlimited time.

The Commission found that the granting of the application would result in objectionable interference to existing broadcasting stations and found further that the need for the additional service in the area "is not sufficiently compelling to warrant the granting of this application when consideration is given to the limitation which would be suffered by existing broadcast stations."

The application of WEMP, **Milwaukee, Wisconsin,** to increase its power from 100 to 250 watts daytime has been granted by the Commission. The station operates on **1310 kilocycles.**

The Commission stated in its decision that a substantial need exists in Milwaukee for the improved broadcast signal which this applicant seeks to provide. Also, the Commission stated that the granting of this application will improve the interference condition now existing between Stations WEMP and WHBL.

Commissioner Payne did not participate in this case.

The Commission has granted the application of WNEW, **New York City,** to increase the daytime power on its frequency of **1250 kilocycles** from 2500 watts to 5000 watts. The station now operates with 2500 watts day, 1000 watts night and shares time with WHBI.

There is need for additional daytime service in the New York metropolitan area according to the Commission and the operation of the station as proposed would not cause objectionable interference to any existing broadcast station. It is further stated by the Commission that the use of the additional power for daytime operation "would render an improved signal in the entire area now served by the applicant which would materially aid in overriding the high noise level existing in the New York metropolitan area."

Commissioners Case, Payne and Craven did not participate in this case.

The Commission also announced a decision in the matter of the application of WSBT, **South Bend, Indiana,** and the King-Trendle Broadcasting Corporation, **Grand Rapids, Michigan.**

The Commission denied the application of WSBT for authority to move the transmitter of the station and to shift from its present authorized assignment of **1360 kilocycles,** 500 watts, sharing time with WGES, to an operating assignment on the frequency of **1010 kilocycles,** with 1000 watts, unlimited time, using a directional antenna at night.

The Commission also denied the King-Trendle Broadcasting Corporation application for authority to construct a new station at Grand Rapids, to operate on **1010 kilocycles,** with 1000 watts, unlimited time. In connection with the proposed new station, the Commission stated that it would devote but a small part of its time to programs of local character inasmuch as it would have network affiliations. It was further stated by the Commission that the station would be under the same management and control as the two existing stations in Grand Rapids. "The applicant," said the Commission, "has failed to show a public need for a new station to broadcast programs of the type and character proposed."

Commissioners Case, Payne and Craven did not participate in this case.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, February 13. They are subject to change.

Wednesday, February 15

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **880 kc.,** 250 watts, unlimited time (DA for night use).

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., **880 kc.,** 1 KW, unlimited time (DA day and night).

Thursday, February 16

Oral Argument Before the Commission

Examiner's Report No. I-746:

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares with WJBC.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—Modification of license, **1200 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1200 kc.,** 100 watts, 250 watts LS, shares with WJBL.

Examiner's Report No. I-755:

NEW—Orville W. Lyerla, Herrin, Ill.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1310 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, 250 watts LS, S.H. (KFVS).

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license, **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, 250 watts LS, S.H. (WEBQ).

Examiner's Report No. I-758:

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P., **620 kc.,** 1 KW, 5 KW LS, unlimited time (DA at night). Present assignment: **1450 kc.,** 1 KW, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

March 7

KRSC—Radio Sales Corporation, Seattle, Wash.—C. P., **1120 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 250 watts, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

March 14

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 100 watts, 250 watts LS, specified hours.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Renewal of license, **1370 kc.,** 100 watts, 250 watts LS, specified hours.

NEW—Lane J. Horrigan, d/b as Copper County Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.,** 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 kc.,** 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 kc.,** 1 KW, 2½ KW LS, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.,** 1 KW, unlimited time.

March 21

NEW—Southern Oregon Broadcasting Co., Grants Pass, Ore.—C. P., **1310 kc.,** 100 watts, unlimited time.

KFJZ—Fort Worth Broadcaster, Inc., Fort Worth, Tex.—C. P., **930 kc.,** 500 watts, unlimited time (DA at night). Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

March 24

NEW—Birney Imes, Columbus, Miss.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

March 27

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.,** 1 KW, 5 KW LS, unlimited time (DA at night). Present assignment: **880 kc.,** 500 watts, 1 KW LS, unlimited time.

March 28

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license, **1310 kc.,** 100 watts, unlimited time. Present assignment: **1310 kc.,** 100 watts, shares WJAC.

NEW—Lawrence J. Heller, Washington, D. C.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Lawrence J. Heller, Washington, D. C.—Special experimental authorization, **1310 kc.,** 10 to 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted modification of license to change time of operation from S-WGNY, WGBB, WBRB, to S-WGBB, WBRB, to use the hours released by WGNY.

WDSM—Fred A. Baxter, Superior, Wis.—Granted voluntary assignment of C. P. for station WDSM, Superior, Wis., from Fred A. Baxter, individual permittee, to WDSM, Inc., a Wisconsin corporation, to operate on **1200 kc.,** 100 watts, unlimited time.

W4XA—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—Granted modification of C. P. authorizing deletion of frequencies under its present assignment and in lieu thereof to use frequencies **26150 kc.** listed in Group C of Rule 1053(a).

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KOH—The Bee, Inc., Reno, Nev.—Application for C. P. requesting move of transmitter site locally; install new equipment and directional antenna system; change frequency from **1380 kc.** to **630 kc.;** and increase power from 500 watts, unlimited time, to 1 KW, unlimited, employing directional antenna for nighttime operation. Application set for hearing to determine if interference might result to existing stations.

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Application for C. P. to move transmitter location from South of Tonganoxie, Kans., to southwest of Kansas City, Kans., and studio location from Lawrence, Kans., to Kansas City, Mo.; install directional antenna system for day and nighttime operation. Application set for hearing to determine if interference might be caused to existing stations, and pending applications from Missouri involve increase in service.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Application for modification of license to increase night power from 100 watts to 250 watts. (To be heard before the Commission.) Application designated for hearing as the request violates Rule 121, and pending applications from Florida involve increase in service.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Application for C. P. to install a vertical radiator at the present transmitter site and increase night power from 500 watts to 1 KW. Application designated for hearing to determine if interference might result, and pending applications from South Carolina involve increase in service.

KROY—Royal Miller, Sacramento, Calif.—Application for modification of license to increase time of operation from daytime to unlimited, using 100 watts power. Application designated for hearing to determine if interference might result to existing stations, and pending applications from California involve an increase in service.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period, September 1, 1939:

KARK, Little Rock, Ark.; KEHE and auxiliary, Los Angeles; KFDY, Brookings, S. Dak.; KFEL, Denver; KFRC and auxiliary, San Francisco; KFRU, Columbia, Mo.; KFSD, San Diego, Calif.; KGW, Portland, Ore.; KHJ and auxiliary, Los Angeles; KLX, Oakland, Calif.; KOMO, Seattle, Wash.; KSAC, Manhattan, Kans.; KTAR, Phoenix, Ariz.; KTSA, San Antonio, Tex.; WAAF, Chicago; WBAA, West Lafayette, Ind.; WBEN and auxiliary, Buffalo; WCAO and auxiliary, Baltimore; WDBO and auxiliary, Orlando, Fla.; WELI, New Haven, Conn.; WGST, Atlanta, Ga.; WHJB, Greensburg, Pa.; WMAL and auxiliary, Washington, D. C.; WOSU, Columbus, Ohio; WOW, Omaha, Nebr.; WQAM, Miami, Fla.; WQAM, auxiliary; WSUI, Iowa City, Iowa; WTAD, Quincy, Ill.; WTAG, Worcester, Mass.; WTAG, auxiliary; WTMJ and auxiliary, Milwaukee, Wis.; KFYR, Bismarck, N. Dak.; KGKO, Fort Worth, Tex.; KMJ, Fresno, Calif.; KMTR, Los Angeles, Calif.; KOAC, Corvallis, Ore.; KSFO, San Francisco; KVI, Tacoma, Wash.; KWTO, Springfield, Mo.; WCHS, Charleston, W. Va.; WDAF, Kansas City, Mo.; WEAN, Providence, R. I.; WFIL and auxiliary, Philadelphia, Pa.; WGR and auxiliary, Buffalo, N. Y.; WIBW, Topeka, Kans.; WILL, Urbana, Ill.; WIOD-WMBF and auxiliary, Miami, Fla.; WIP and auxiliary, Philadelphia, Pa.; WKRC, Cincinnati, Ohio; WKZO, Kalamazoo, Mich.; WMC and auxiliary. Memphis, Tenn.; WMCA and auxiliary, New York City; WSVA, Harrisonburg, Va.; WTAR and auxiliary; Norfolk, Va.; WWNC, Asheville, N. C.; KOMO, auxiliary, Seattle, Wash.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted renewal of license for the period ending July 1, 1939.

WJAX—City of Jacksonville, Jacksonville, Fla.—Present license extended upon a temporary basis only for the period ending April 1, 1939, pending determination upon application for renewal.

WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Present license extended upon a temporary basis only for the period ending April 1, 1939, pending determination upon application for renewal.

W9XZY—The Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of facsimile broadcast (experimental) station license for the period March 1, 1939, to March 1, 1940, subject to the condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing in the license shall be construed as a finding by the Commission that the operation of the station upon the frequencies authorized is or will be in the public interest beyond the express terms of the grant.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of facsimile broadcast (experimental) station license for the period March 1, 1939, to March 1, 1940, subject to the condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing in the license shall be construed as a finding by the Commission that the operation of the station upon the frequencies authorized is or will be in the public interest beyond the express terms of the grant.

W1XMX—The Yankee Network, Inc., Sargents Purchase, N. H.—Granted renewal of facsimile broadcast (experimental) station license for the period March 1, 1939, to March 1, 1940, subject to the condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises. Nothing in the license shall be construed as a finding by the Commission that the operation of the station upon the frequencies authorized is or will be in the public interest beyond the express terms of the grant.

MISCELLANEOUS

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 p. m. to 12 p. m., CST, February 28, in order to broadcast city primary election returns.

KWNO—Winona Radio Service, Winona, Minn.—Granted special temporary authority to operate with power of 100 watts from 5:30 p. m., February 13, to 3 a. m., CST, February 14, in order to broadcast city election returns.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, February 9, 17, and March 3, in order to broadcast basketball games.

WAFS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with Station WBRB from 4:30 to 6:30 p. m., EST, February 3, 10, 17 and 24, in order to broadcast special sessions of WFAS Request Club, Civic "Bulletin Board," Theater Commentary, and "Music of Memory" features.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 p. m., CST, February 23, to 1 a. m., CST, February 24, or to end of broadcast, in order to broadcast District Golden Glove Boxing Tournament.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to make daytime tests of WTAR directional antenna, operating with 1 KW with new equipment and ground system authorized December 5, in order to submit proof of performance to Commission, for period of 10 days.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Adopted an order extending the effective date of order dated December 5, 1938, relating to modification of license of WWRL, for a period of 60 days from February 4, 1939.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (February 5:30 p. m., CST) on February 14, to 1 a. m., CST, February 15, in order to broadcast local election returns and other entertainment of public interest.

KIDW—Lamar Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for a period ending no later than February 15, 1939, in order to complete arrangements pursuant to grant of voluntary assignment of license.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU, with reduced power of 250 watts, from 7 to 8 p. m., CST, February 4, in order to broadcast talk by Colonel Francis C. Harrington, Chief, WPA.

NEW—Food Terminal Broadcasting Co., Cleveland, Ohio.—The Commission agreed to reconsider application for new station (Ex. Rep. No. 1-458), which was denied by the Commission on September 13, 1938, and further ordered that the five members who heard the re-argument on June 2, 1938 (Commissioners Craven, Sykes, Brown, Walker and Case), vote on the application and Chairman McNinch and Commissioner Payne not participate in the vote.

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Denied petition for rehearing (Chairman McNinch voting "No"), in re the application of P. W. Spencer for authority to erect a new station at Rock Hill, S. C.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied special temporary authority to operate unlimited time on **1180 kc.**, using 1 KW power night, for the period February 15, and ending not later than March 16, in order to broadcast various civic, charitable, religious, educational, fraternal and commercial programs of outstanding public interest.

WOSU—Ohio State University, Columbus, Ohio.—Granted special temporary authority to operate from 10 to 10:30 p. m., EST, February 6, provided WKBN remains silent, in order to broadcast important athletic contest.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted special temporary authority to operate simultaneously with station WTAM from 5:45 to 10:30 p. m., PST, on February 18, in order to broadcast opening of Golden Gate International Exposition.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with Station KICA from 7:30 to 9:30 p. m., MST, on February 12, 19, 26, and March 5, in order to broadcast evening church services.

WHAI—John W. Haigis, Greenfield, Mass.—Granted special temporary authority to operate from local sunset (February 5:15 p. m., EST) to 9:30 p. m., EST, on February 8, in order to broadcast Taxpayers Rally, using 100 watts only.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Denied special temporary authority to operate with 5 KW night for a period of 30 days, employing DA in order to overcome interference from Cuban station CMCY, provided such operation with additional power terminates immediately when CMCY ceases operation on frequency **590 kc.** or reduces power so that additional interference is not involved.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (February 5:15 p. m., CST) to conclusion of basketball game, on February 17, using 100 watts power.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: February 20, 27, and March 6, 13, 1939, in order to broadcast special programs from Louisiana State University and special addresses by the president and members of the faculty of that University.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, on February 11, 25 and 27, in order to broadcast University basketball games.

W2XMN—Edwin H. Armstrong, north of Alpine, N. J.—Granted extension of special temporary authority to operate a high frequency broadcast station W2XMN on the frequency **42.5 megacycles**, power output of 40000 watts, for the period February 14 to March 15, pending definite arrangements to be made in the ultra high frequency bands.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, February 19 and 26, and March 5 and 12, in order to broadcast feature by the New York Philharmonic Symphony Orchestra and a special religious talk by the Rev. Charles E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, February 24, March 3, 10, 17, in order to broadcast programs consisting of Columbia features, including Irene Beasley and American School of the Air.

NEW—Gateway Broadcasting Co., Louisville, Ky.—Cancelled the hearing date, now scheduled for February 15, in re application for C. P. to use **880 kc.**, 500 watts, unlimited time (DA night and day), and directed applicant to submit full and complete information respecting directional antenna system it proposes for the new location.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted C. P. to make changes in equipment.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted license to cover C. P. authorizing change in transmitter site, installation of new equipment, change in frequency to **1240 kc.**, and increase in power to 1 KW, unlimited time, employing directional antenna system for nighttime operation.

W4XHW—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn., Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station, frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis conditionally, 50 watts.

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted special temporary authority to operate with power of 100 watts from local sunset (February 5:30 p. m., CST) to 11 p. m., CST, on February 8, in order to broadcast national program of Boy Scouts of America.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted continuance of hearing from February 14 to March 17, on application for consent to voluntary assignment of license of WAGA to the Liberty Broadcasting Corp.

APPLICATIONS FILED AT FCC

620 Kilocycles

KGW—KGW, Oregonian Publishing Co., Portland, Ore.—Authority to transfer control of corporation from O. L. Price, Trustee, to beneficiaries of Pittock Will Trust, 470 shares common stock, namely: Kate P. Hebard, Susan P. Emery, Caroline P .Leadbetter, Louise P. Gantenbein and E. B. MacNaughton (trustee for: Virginia P. Thorsen, Marjorie P. McDougall, Barbara F. Pittock, Roberta P. MacNaughton, Frederika F. Pittock and Henry L. Pittock).

780 Kilocycles

WTAR—WTAR Radio Corp., Norfolk, Va.—License to cover construction permit (B2-P-2280) for new transmitter and increase in power.

850 Kilocycles

KWKH—International Broadcasting Corporation, Shreveport, La. —Modification of special experimental authority (B3-SA-329) to install new equipment, increase power from 10 to 50 KW, move transmitter from Mooringsport Road, near Shreveport, La., to 3 miles west of Dixie, near Dixie, La.

890 Kilocycles

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of construction permit (B4-P-1449) as modified for increase in power, new equipment, move of transmitter, directional antenna for night use, further requesting extension of commencement date from 9-1-38 to 4-15-39 and completion date from 3-1-39 to 8-1-39.

1210 Kilocycles

KGLO—Mason City Globe Gazette Company, Mason City, Iowa. —Construction permit to install new transmitter, directional antenna (for night use only), and increase power from 100 watts, 250 watts day, to 1 KW day and night; change frequency from **1210 kc.** to **1270 kc.** (Request facilities of stations KWLC and KGCA).

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-1721) for a new station, requesting approval of antenna and transmitter site at north end of 11th St., Charleston, S. C., and studio site at Charleston Hotel, Meeting St., Charleston, S. C.; install new transmitter. Amended re antenna.

1290 Kilocycles

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah. —License to cover construction permit (B5-P-2248) for an auxiliary transmitter.

1310 Kilocycles

NEW—John R. Pepper, Greenville, Miss.—Construction permit for a new station on **1310 kc.,** 100 watts night, 250 watts day, unlimited time. Amended to give transmitter site as to be determined, Greenville, Miss.

1350 Kilocycles

WAWZ—Pillar of Fire, Zarephath, N. J.—License to cover construction permit (B1-P-2079) to install directional antenna for night use, and increase power.

1370 Kilocycles

NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Construction permit for a new station on **1370 kc.,** 100 watts, 250 watts day, unlimited time.

1500 Kilocycles

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Modification of construction permit (B2-P-1848) for a new station, requesting approval of antenna and new transmitter, approval of studio site at 1016 Lee St., Charleston, W. Va., and transmitter site at Kanawha Country Club Road, South Charleston, W. Va. Amended to make changes in antenna and give transmitter site at 1016 Lee St., Charleston, W. Va.

MISCELLANEOUS

W1XKB—Westinghouse Electric & Manufacturing Company, E. Springfield, Mass.—Modification of license to reduce authorized power without new construction from 500 watts to 50 watts.

W1XEI—Westinghouse Electric & Manufacturing Company, Portable-Mobile.—Modification of license to reduce authorized power from 150 to 50 watts.

W10XWA—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 500 to 50 watts.

W10XWB—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 500 to 50 watts.

W10XWC—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 500 watts to 50 watts.

W10XWD—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 50 to 15 watts.

W10XWF—Westinghouse Electric & Manufacturing Company, Chicopee Falls, Mass.—Modification of license to reduce power from 50 to 15 watts.

W8XKA—Westinghouse Electric & Manufacturing Company, Pittsburgh, Pa.—Modification of license to reduce power from 150 to 50 watts.

KAOG—Don Lee Broadcasting System, Los Angeles, Calif.—License to cover construction permit (B5-PRY-148) for a new relay broadcast station.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Construction permit for changes in equipment, increase in power from 50 to 500 watts, move transmitter to 106 W. 14th St., Kansas City, Mo.

National Broadcasting Company, Inc., New York, N. Y.—Authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York City, or any points in the U. S. where network programs may originate, to station CMQ, Havana, Cuba. Amended to request transmission of programs to CMX instead of CMQ.

NEW—John V. L. Hogan, New York, N. Y.—Construction permit for a new high frequency broadcast (experimental) station on **41200** and **111500 kc.** Amended to delete the frequency **111500 kc.**

NEW—WBNS, Inc., Columbus, Ohio.—Construction permit for a new facsimile station (experimental) in Columbus, Ohio, on the frequencies **31600, 35600** and **38600** and **41000 kc.,** 100 watts power.

W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Modification of license for change in authorized power, without new construction, from 50 to 6 watts.

W9XAP—National Broadcasting Company, Inc., Chicago, Ill.—License to cover construction permit (B4-PRE-186) as modified for equipment changes, move of transmitter, and increase in power.

W5XN—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Construction permit for change in equipment, reduction in power from 10.5 watts to 5 watts.

W5XN—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—License to cover above.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Metropolitan Publishing Company—Charging violation of the Federal Trade Commission Act in the sale of greeting cards, a complaint has been issued against Alphonso M. Simon, Jr., and Phyllis Schuster, trading as Metropolitan Publishing Co., 110 Wooster Street, New York.

The respondents are alleged to sell their products to stationery and other stores through agents, who exhibit samples of high quality and quote prices considerably lower than those at which the same class of cards can be bought from other manufacturers.

With the cooperation of the respondents, their agents are alleged to represent:

(1) That a purchaser may make his own selection of cards or the respondents will make a selection for him, but that in all cases the cards delivered will be of a quality equal to or better than the samples; (2) that cards are sent on consignment and the purchaser is required to pay only for cards actually sold by him; and (3) that the respondents' salesmen will make periodical return calls to effect such changes as the purchaser may desire due to unsalability of any cards.

The complaint alleges that the respondents' representations are false and misleading; that in many instances cards delivered by the respondents are old, inferior and cheaper in quality than the samples; that they are not sold on consignment, the contract requiring the purchaser unconditionally to pay for the entire amount called for without privilege of returning unsold cards, and that in many cases the amount of the contract is determined after the purchaser has signed it in blank and larger quantities of cards are shipped than he ordered. (3699)

Southern Art Stone Company—Charging violation of the Federal Trade Commission Act in the sale of imitation marble and granite tombstones and memorials, a complaint has been issued against Roy D. Burnsed, trading as Southern Art Stone Company, 1927 Piedmont Road, N. E., Atlanta.

In advertising his products, which are produced from a mixture of crushed marble or granite, cement and other ingredients, the respondent is alleged to have represented that they are made of genuine, natural marble and granite; that they take and retain a higher polish and luster than ordinary marble or granite, and that they will last forever.

These products, known as Marbletexture and Granitexture, are alleged to have been advertised as being superior to ordinary marble or granite in that they are less porous, stronger and more enduring.

Alleging that the respondent's representations are false and misleading, the complaint points out that his tombstones and memorials have the general appearance of natural marble and granite products of this class, and that nowhere in his advertising matter is it disclosed that they are synthetic or cast stone memorials. (3697)

S. & C. Sales—Alleging the use of lottery methods or gift enterprises in the sale of merchandise to ultimate consumers, a complaint has been issued against Samuel Cohen, trading as S. & C. Sales, 4949 D St., Philadelphia.

The respondent's sales plan is alleged to involve the use of push cards, by means of which purchasers, selecting feminine names and buying chances thereon, receive premiums wholly by lot or chance. (3698)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Endura Corporation—Under an order to cease and desist, The Endura Corporaiton, 4951 Sunset Blvd., Hollywood, Calif., is directed to discontinue certain misleading representations in the sale of its cosmetic preparation known as Endura, or as Endura Permanent Wave.

The order prohibits representation that the respondent's preparation has been tested in the world's foremost laboratories, or that it is used in Hollywood's studios or by the screen's smartest stars, or that it is actually good for the hair or will benefit bleached, dyed, gray or naturally colored hair. (3419)

Knox Company—An order prohibiting misleading representations concerning the therapeutic properties of Nixoderm, advertised as a skin remedy, has been entered against The Knox Company, 811 West 7th St., Los Angeles.

The respondent company is ordered to desist from advertising the preparation as an adequate remedy or a cure for acne, psoriasis, eczema, pimples, dandruff, or any other diseased condition of the skin, unless such claims are limited to certain skin ailments which are of a surface character only and not caused by, or associated with, a systematic or metabolic disorder. (3430)

Moretrench Corporation, Rockaway, N. J., manufacturer of wellpoints, pumps and equipment used in drawing water from wet soil during excavation work, has been served with an order requiring it to cease and desist from certain misleading representations in the sale of its products.

The order prohibits the disparaging of competitive products through representations that the unobstructed water-passing screen area of competitive wellpoints is smaller than that of the respondent's wellpoints, which representations are based on the use of different methods of calculation.

These differing computing methods, as used by the respondent and represented in its catalogs, give to its products an apparent efficiency exceeding that of competing products, but such representations are misleading and deceptive, according to findings.

The order also bars disparagement of competitive products through representation that the respondent's wellpoints equipped with two valves are superior to competitive wellpoints equipped with one valve, when in fact the respective wellpoints are constructed on different mechanical principles, and the number of valves does not affect their relative efficiency. (3262)

STIPULATIONS

The Commission has entered into the following stipulations:

I. F. Laucks, Inc.—See National Distributors.

National Distributors—Two dealers selling their products in interstate commerce have entered into stipulations to discontinue misleading representations in advertising matter.

The respondents are Rolla L. Long, 304 North Main St., Marion, Ill., formerly trading as National Distributors, and I. F. Laucks, Inc., 314 Maritime Building, Seattle.

Long agrees to cease using in advertising matter or otherwise phrases such as "Beautiful Silk Pieces" or "Fast Color Prints and Percales" as descriptive of cloth pieces in a manner implying that they are of sufficient size to be used in making garments, unless such quoted words are accompanied by other words in equally conspicuous type explaining that the cloth pieces are only remnants or scraps, the utility of which is limited to uses such as the making of quilts. The respondent also stipulates that he will cease representing that a face powder offered as an inducement to prospective customers is priced at $1 when in fact this price is fictitious and much in excess of the regular price. Through the medium of his advertising or otherwise, Long agrees to discontinue offering to employ prospective customers to address postal cards at home, when in fact such offer is not bona fide.

I. F. Laucks, Inc., a manufacturer of casein glue, stipulates that it will desist from the use on labels or in advertising matter of the word "waterproof" as descriptive of its Lauxein glue, when in fact the product is not waterproof. The respondent company has plants in Los Angeles, Lockport, N. Y., and Portsmouth, Va. (2389 and 2390)

Seiberling Rubber Company, 345-15th St., Akron, Ohio, has entered into a stipulation to discontinue certain misleading representations in the sale of its tires.

The respondent agrees to cease representing that its Seiberling Two-Tread Air Cooled tires never wear smooth and that they are protected against blow-outs, insure safety, "give anti-skid protection to the final mile", and will stay cool.

A further representation to be discontinued is that use of this tire will enable a driver to stop a car promptly under any road conditions encountered, or will insure his having his car under proper control at all times. (02317)

F. T. C. CLOSES CASE

The Federal Trade Commission has closed its case against Hochschild, Kohn & Co., Baltimore, charged with misrepresentations in the sale of furs.

In closing the case, the Commission makes known that the evidence introduced at the hearings failed to sustain the allegations of the complaint with respect to interstate commerce.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should the facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 7, FEBRUARY 17, 1939

White Flays Wheeler Bill; Questionnaire

A blast by Senator White (R-Maine) at the Wheeler Bill and a new questionnaire from the Federal Communications Commission share the spotlight in this week's broadcasting news.

After saying that the real purpose of the Wheeler Bill was to vest in one man "a life and death power over broadcasting," Senator White said in a statement issued Thursday that he soon would introduce an alternative bill "which will not be subject to the objections found in this McNinch bill but it will contribute to a more effective legal framework and administrative measure than the Commission labors under."

In view of having two, possibly three, broadcasting bills before Congress in the near future, Neville Miller, NAB President, called a special meeting of the Board of Directors for Monday and Tuesday, February 27-28 at NAB Headquarters. No developments are expected before the meeting, since Senator Wheeler, Chairman of the Senate Interstate Commerce Committee, has said that hearings on his bill would not likely be held within the next two or three weeks. Representative Lea (D-Calif.), Chairman of the House Interstate Commerce Committee, has introduced the Wheeler Bill in the House without any indication as to when hearings will be held there. The exact date for introduction of the White Bill has not been determined, nor has a date been fixed for introduction of the Administration bill to amend the substantive provisions of the 1934 Act.

The NAB Legislative Committee, headed by John A. Kennedy (WCHS), has given careful consideration to the Wheeler Bill, as has the Executive Committee which met at Headquarters February 11. Members of both Committees have been in touch with Senator Wheeler and Chairman Frank R. McNinch of the FCC who helped draft the Wheeler-Lea Bill.

Senator White's statement regarding the Wheeler-Lea Bill is carried in full in another part of the REPORTS.

Meantime the NAB, after successfully endeavoring to reduce the size of the new FCC questionnaire, had a meeting with officials of the FCC Accounting Department to endeavor to clarify some of the questions. The interpretations resulting from this conference are carried in another part of the REPORTS.

Since the questionnaire is due the same day that Income Tax statements are due, the NAB advises its members to complete the questionnaire before working out the Income Tax returns. A great deal of the material in the questionnaire can be used in computing Income Taxes, while the contrary is not true.

When the NAB first heard that the FCC intended to send out a broad questionnaire,

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

WHITE FLAYS WHEELER BILL; QUESTIONNAIRE

(Continued from page 3281)

staff members immediately started a series of conferences with FCC officials to reduce the questionnaire's size and to simplify it with a view to obtaining the information the Commission thought necessary with less expense to members. In this endeavor the NAB feels that it has been quite successful.

White Statement

This (Wheeler) Bill, when studied and when its implications are understood, will meet the general condemnation it deserves.

In a letter, dated January 23, addressed to the Chairman of the Interstate Commerce Committee of the Senate, the President states that he is thoroughly dissatisfied with the present legal framework and administrative machinery of the Commission; that legislation is necessary to effectuate a satisfactory statutory reorganization; that legislation is also needed to lay down clear congressional policies on the substantive side, so clear that the new administrative body will have no difficulty in administering or in interpreting them; and that he hopes the Interstate Commerce Committee will consider the advisability of such new legislation.

The President does not suggest the changes in organization or the policies he believes to be desirable, but he states that he has asked Chairman McNinch to give Senator Wheeler his (Mr. McNinch's) recommendations.

Now it should be noted first that the present legal framework and administrative machinery of the Commission with which the President expresses dissatisfaction is in no small part the handiwork of Chairman McNinch and, next, that in the twenty months or thereabouts since Mr. McNinch was confirmed as Chairman there have come from the Commission no recommendations as to policies on the substantive side. On the contrary, efforts to undertake a congressional study of principles and of policies by the Congress have been blocked by Commission and executive hostility.

I presume to assert that these recommendations of Mr. McNinch do not reflect the considered judgment of any person informed as to our communication problems and do not make contribution to the communication services of our country.

This McNinch Bill discloses two major purposes. It, first, provides for a three man Commission. This proposal challenges every previous declaration of the Congress on this subject and its repudiates the heretofore expressed opinions of Mr. McNinch himself.

The Radio Act of 1927 created a five man commission. That number was then considered by the Congress necessary to effectively deal with the problems of radio alone. When the Communications Act of 1934 passed the Senate, it provided for five Commissioners. This reflected a second judgment by the Senate that a smaller Commission than five was not desirable. The House amended this Senate Bill of 1934 by increasing the number of Commissioners to seven. The legislation in the House was in charge of Mr. Rayburn of Texas, then Chairman of the Interstate Commerce Committee of that body and now Majority Leader. The report to the House was submitted by Mr. Rayburn. This House judgment as to the minimum number of Commissioners was later accepted by the Senate and made its own judgment. The pending McNinch Bill now asserts both Houses of Congress to have been wrong in their judgments and proposes to reduce the number from seven, to which the Congress had increased it from five, to three members. So far as I am advised, neither the Commission as a whole nor the communications interests affected, nor other informed or affected persons, have ever recommended such a reversal of policy.

It is significant that, at the very time Chairman McNinch would have the Congress accept his judgment that three men will better understand and more efficiently administer the work of the Commission than seven Commissioners, he is urging upon the Appropriations Committee of the House as a vital necessity an increase of sixty-three in the other personnel of the Commission. He would have us believe that, while the increased work of the Commission demands increased personnel in all other directions, the membership of the Commission should be reduced from seven to three. It is important to recall, too, that in October, 1937, in referring to the abolishment of the three Divisions of the Commission theretofore set up, Mr. McNinch said "the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven." But Mr. McNinch now urges that the burden of knowledge and of decision in the entire field of communications shall be placed upon three commissioners. I appeal from Mr. McNinch of 1939 to Mr. McNinch of 1937. I am strongly opposed to a three men Commission. An increase in the Commission's present numbers is to be preferred to a reduction.

The second major purpose of the bill seems to be the authorization of the appointment of three administrative assistants for three general Divisions of Communications.

No change in law is necessary to authorize the creation of three Divisions or the designation of three administrative assistants. The Communications Act of 1934 specifically authorizes the establishment of divisions, the fixing of their functions and the appointment of a Director for each. It does not however place the divisions or the Directors thereof *"under the administrative supervision of the Chairman"* as does this McNinch proposal and this is its offense in the view of those sponsoring the pending Bill.

When Mr. McNinch became Chairman, he promptly proposed an order abolishing the three Divisions existing under the authority of the 1934 Act. His theory, as then expressed by him, was that seven members could not be divided in this way; and that experience had shown that these Divisions were really only composed of two Commissioners because of (and I quote Mr. McNinch) "the impracticability of the Chairman keeping himself currently informed and attending meetings has resulted in two members of the Commission carrying an unnecessary load of responsibility and exercising an undesirably large portion of the powers and functions of the Commission" and because "the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven." Mr. McNinch, having abolished Divisions but a short while back, now proposes to recreate them but as reestablished each Division is to be in charge of an administrative assistant to act "under the Administrative supervision of the Chairman." Manifestly if this assistant is an employee, the decisions of the Chairman will be his decisions. And what may this assistant pass upon? Anything and everything which the Board may assign or refer to him save only "the making of final decisions in contested proceedings involving the taking of testimony at public hearings." In the Broadcasting Division included in his powers would be the making of rules and regulations, the classification of radio stations, prescribing the nature of the service to be rendered by each class, the allocation of frequencies to stations, the regulation of the kind of apparatus, special regulations for network broadcasting, the granting of construction permits, licenses, renewals, modifications, assignments and many other authorities. These warn as to the powers which might be conferred on this Chairman dominated assistant in the other Divisions.

Who wants one man to have such powers subject to the doubtful remedy of review by the Commission of three of whom one would be the Chairman from whose decision the appeal is filed?

But if it is urged that no such broad powers will be vested in the assistant who is to act under the "supervision" of the Chairman, then it follows that all these problems, in all the fields of communication, must be determined by the Commission itself. In this event we face the fact that three men who formerly, according to Mr. McNinch, could not do that part of the tasks assigned to a single Division, must now assume all the burdens of the communication problem in its vastly increased weight and complexity. This is a burden which three men can not meet.

In 1937, according to Mr. McNinch, "the aggregate wisdom and judgment of seven minds is surely greater than any two or three of the seven." Can it be that in 1939 this is no longer true? Must we now understand whatever seven minds might have had of knowledge in 1937 that in this good year of 1939 the aggregate wisdom and judgment of three men is greater than that of the seven? The plain truth of the matter is that the aggregate wisdom and judgment of seven men is not now wanted. Mr. McNinch in the name of cooperation demands the yielding to his direction of the experience, knowledge, judgment and conscience of the other Commissioners. And it is because some Commissioners will not thus unconditionally surrender, that they are to be legislated out of office. A legislative purge of Commissioners of independence and courage is now demanded.

Stripped of all pretense, this Bill, in disregard of all previous congressional purpose and drafted without present congressional study, proposes, through his statutory administrative control of the Division assistants and through his influence as Chairman, to vest in one man authority over the vast communication interests of this country and, in particular, a life and death power over broadcasting, one of the two means of reaching the mind and influencing the thought of America. The Bill makes contribution only to the political efficiency of the Commission. It does this through the centralized power hereinbefore referred to and through the provision transferring all officers and employees of the present Commission, other than the mem-

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bers thereof whose offices are abolished, from their present protected civil service status to a temporary status. It serves no good end whatsoever. The Bill is crude in draft, wrong in principle, political in purpose and carries in its terms and implications a sinister threat to all our communication facilities and to the country itself.

No statutory change is necessary in order to make effective the framework and administrative machinery of the Commission. It does require legislation to abolish the present Commission of seven and to create a Commission of three and to centralize power in the Chairman as is now proposed. It does require legislation to force out of office men who think for themselves and who act independently and courageously. These are the real reasons for the McNinch Bill.

It is my purpose to introduce in the near future alternative proposals which will not be subject to the objections found in this McNinch Bill but which will contribute to a more effective legal framework and administrative machinery than the Commission now labors under.

New Questionnaire

The FCC has mailed to all broadcast station licensees Forms 705 and 706, which information is required to be filed for the calendar year 1938 on or before March 15. NAB Headquarters staff, with the cooperation of the Accounting Department of the FCC, has endeavored to clarify some of the questions contained in the instructions which accompanied the forms.

Only those numbered paragraphs of the mimeographed instruction sheet which appear to need clarification are covered. Those paragraphs which are not referred to are thought to be sufficiently clear, but if questions arise, the NAB staff will obtain further clarification by the FCC Accounting Department immediately upon receipt of a request. The following interpretations have been obtained from the FCC.

Paragraph 2 means that each licensee is required to file a report for each station licensed. Notwithstanding the fact you may have filed information requested in this questionnaire previously, it must be answered again in this report.

Paragraph 3 should be interpreted as meaning that if any part of a particular question is answered, it is not necessary to write the word "none" in answer to any other part of that question.

Paragraph 4 means that stations which have operated less than a calendar year must report actual income and expenses during the time of operation and not raise the actual figures to a yearly basis.

Paragraph 8 should be interpreted as meaning that where the licensee owns several stations and has joint revenues or expenses applicable to two or more stations, the amount of such joint expense or revenue allocated to each station should be stated and an explanation given as to the method or basis for making the allocation. Any division of revenue or expense made by the licensee and followed as a consistent practice may be used in this report, but the basis of this division must be explained.

Paragraph 10, referring to non-commercial stations, requires that such stations complete Schedule 15, although this Schedule refers to commercial programs. It is believed that this Schedule will not be applicable to most non-commercial stations, but instances have occurred in which non-commercial stations have broadcast programs of a commercial nature, though without a sales income. In such instances, Schedule 15 should be filled out. In other instances, for non-commercial stations, the Schedule should be marked "not applicable."

Under paragraph 11, subdivisions (b) (c) and (d) should be interpreted on the basis of each station's method of bookkeeping. There is a typographical error in the second line of subdivision (d). The words "or distribute" should read "are distributed." Subdivisions (e) and (f) do not include any network not listed in those subdivisions. It is not contemplated by the FCC that there are any networks which would come within the definition under subdivision (g) for the purposes of this report. However, if any licensee thinks he is a member of a network which would come under this classification, he should write to the Commission before completing his return. Revenues received from intermittent or local chain broadcasting or other types of temporary chains and group selling organizations should be reported in the gross amount and the expense for lines or other deductions made from the revenue should be reported in the appropriate expense classification.

Paragraph 13 includes in program expenses all forms of communication lines with the exception of the program lines between the studio and the transmitter of the licensee, which are to be reported as technical expense and not program expense.

Legal

COPYRIGHTS UNDER ANTI-TRUST LAWS

The United States Supreme Court, on February 13th, held that the federal copyright laws do not permit copyright owners to eliminate competition by agreement, anymore than the owners of other property. For this reason, the case is important to all who must deal with combinations of copyright owners. The decision was rendered in the case of Interstate Circuit, Inc., et al. v. United States, and involved the leasing of copyrighted motion picture film in Texas. One of the defences imposed by the defendant motion picture producers was that the agreements between them and the Interstate Circuit, Inc., were protected by the Copyright Act and consequently were not in violation of the Sherman Anti-Trust Act. The Court stated:

> "A contract between a copyright owner and one who has no copyright, restraining the competitive distribution of the copyrighted articles in the open market in order to protect the latter from the competition, can no more be valid than a like agreement between two copyright owners or patentees . . . In either case if the contract is effective, as it was here, competition is suppressed and the possibility of its resumption precluded by force of the contract. An agreement illegal because it suppresses competition is not any less so because the competitive article is copyrighted. The fact that the restraint is made easier or more effective by making the copyright subservient to the contract does not relieve it of illegality."

STATE BILLS INTRODUCED TO CURB MUSIC MONOPOLIES

A bill has been introduced in Minnesota (H. 556 and S. 460) which seeks to curb the activities of pools controlling public performance of copyrighted music. Details were not available at the time of going to press, but it is understood that the bill would compel publication of lists of all copyrights owned by members of licensing pools.

A public hearing on the bill introduced in Connecticut (NAB Reports, February 3, p. 3232) will be held March 2. This bill provides that all copyright owners intending to sell, license or otherwise dispose of public performance rights in the state must first file with the Secretary of State a list describing each such musical composition. The bill permits blanket licensing by combinations of copyright owners but, as a condition precedent to the granting of such blanket license, compels such owners to grant users the option of acquiring such portion of the copyrights as is desired at prices which must be determined by the individual owners and not by the combination.

The bill introduced in New Mexico (NAB Reports, February 10, p. 3271) is similar to the Connecticut bill, has been passed by the Senate of New Mexico and now is pending before the House. It is reported that strenuous efforts are being made by licensing pools, both in New Mexico and Connecticut, to prevent the passage of the respective bills. The complete bill, as introduced in New Mexico February 3, is as follows:

REGULAR SESSION

AN ACT

Relating to copyrights and public performing rights in musical compositions and dramatico-musical compositions, and repealing all laws in conflict herewith.

Be it Enacted by the Legislature of the State of New Mexico:

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Secretary of State a list describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. No payment or filing fee shall be required by the Secretary of State for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Secretary of State to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringements of said works. The Secretary of State may, if in his discretion he deems it necessary, in order to prevent such overreaching and to protect the citizens of this state from committing innocent violations of the copyright laws of the United States, cause all such copyrighted material filed with him to be published once a year or oftener in a form and medium which he shall deem suitable for said purpose. A duplicate of any list so filed by any such person shall at his request be certified by the Secretary of State and shall by the Secretary of State be given or delivered to such person, who shall exhibit the same on demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4-A. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Secretary of State, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications. Any copyright owner, or such association acting in his behalf, may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Secretary of State, at any time, at the election of such owner or such association acting in his behalf, changes in prices to become effective seven days from the date of filing thereof. The schedule of prices provided for herein shall be made available by the Secretary of State to all persons for examination and the taking of copies, and may be published by him in the same manner as provided in Section 4 hereof.

Section 4-B. Any person issuing a blanket license for performance rights shall file with the Secretary of State within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to such performing rights.

Section 5. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall likewise execute and deliver to the Secretary of State, on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on the authorization last filed by him.

Section 6. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Secretary of State as such, of each or all of the lists, license agreements, affidavits and other documents filed with the Secretary of State pursuant to the requirements of this Act, shall be furnished by the Secretary of State to any person upon request at the prices regularly charged by the Secretary of State for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 7. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three per cent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this state, payable to the State Treasurer on or before the fifteenth day of March, 1940, with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. The State Treasurer shall adopt and publish rules and regulations not in conflict herewith, as well as a form of return and any other forms to carry out the provisions of this section.

Section 8. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 9. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this state.

Section 10. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Section 11. If any section, sentence, clause or word of this Act shall be held to be unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion of this Act, it being the intent of this legislature to enact each of the provisions of this Act insofar as they conform to the Constitution of this state and of the United States.

BROADCASTING BILLS

The following bills have been introduced in Congress and state legislatures:

CONGRESS

S. 1268 (Sen. Wheeler, D-Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee.

STATE LEGISLATURES

Alabama:

H. 157 (Sightler) IDENTIFICATION OF MORTGAGED PROPERTY—To provide for the punishment of any person who defaces, or permits same to be done, any trade mark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, or motor vehicles, refrigerators, furniture, household or office equipment or any other personal property, when said property is encumbered with a mortgage, conditional sale contract or other lien. Referred to Judiciary Committee.

Arkansas:

H. 475 (Darnell) TAXATION—MUSIC SLOT MACHINES—Fixing a tax on all music machines used in public places and operated by insertion of coin, and for other purposes. Referred to Revenue and Taxation Committee.

S. 305 (Higginbotham) TAXATION—RADIO BROADCASTING STATIONS—Providing for the taxation of radio broadcasting stations, $100 per annum for each station, and for other purposes. Referred to Revenue and Taxation Committee.

Connecticut:

S. 858 (Rourke) RACE DEFAMATION—To create liability for defamation of a particular race, color or religious faith when the statement, if made about a specific person, would be libelous. Damages awarded in excess of plaintiff's actual costs accrued to the state for social welfare funds. Referred to Judiciary Committee.

S. 910 (Rourke) WAGES AND HOURS—Providing for a wages and hours division in the department of labor and their regulation. Referred to Labor Committee.

Idaho:

H. 268 (Education) LIQUOR ADVERTISING—PROHIBITED—Prohibiting all liquor advertising.

Maine:

H. 1214 (Fowles) RADIOS—Imposes a tax upon radios as such. Referred to Taxation Committee.

Minnesota:

H. 556 (Dixon, et al.) COPYRIGHTS—Same as S. 460. Would compel newspaper publication of a list of copyrights owned by members represented by associations. Referred to General Legislation Committee.

S. 460 (Kelly) COPYRIGHTS—Same as H. 556 above.

S. 541 (Novak) EXEMPT PERSONAL PROPERTY TAX—Exempts up to $300 in value personal property composed of recreational and sporting equipment and radios. Referred to General Legislation Committee.

Montana:

H. 152 (Lambert) MECHANICAL MUSICAL INSTRUMENTS—Provides for registration of slot machine mechanical musical instruments and payment of 25 per cent gross revenue as operating fee. Reported unfavorably by House.

S. 156 (Foor) RADIO—FREEDOM OF SPEECH—Relating to freedom of speech over radio and liability as for libel and slander. Referred to Judiciary Committee.

Nebraska:

Bill 320 (Gantz) RADIO INTERFERENCE—To permit certain cities to regulate interference with radio reception by ordinance. Referred to Government Committee.

New York:

A. 886 (Garcia-Rivera) WAGES AND HOURS—To establish minimum wages and hours and other regulations and to establish "an Administrator" to administer the act. Referred to Labor and Industries Committee.

A. 914 (Reoux) Same as S. 628. LIBEL—Rearranges and clarifies provisions relating to libel. Referred to Judiciary Committee.

A. 919 (Austin) PICKETING—Allows persons to picket and urge public boycott or other peaceful course of public action and makes picketing lawful although firm against which strike is called has replaced strikers and is operating on normal basis. Referred to Judiciary Committee.

A. 1044 (Goldstein) UNAMERICAN DOCTRINES—Prohibits establishment or organization of camp, school or meeting place for teaching doctrines of racial persecution, slander or libel, religious bigotry, the overthrow of our form of government or abolition of any part of our Constitution. Referred to Codes Committee.

A. 1074 (Casey) EMPLOYMENT AGENCIES—Provides that no licensed person conducting an employment agency shall divulge name or address of applicant for employment to person or firm without first investigating character of employer. Referred to Judiciary Committee.

S. 830 (Kleinfeld) LABOR—WAGES—HOURS—Same as A. 886 above.

S. 628 (Feinberg) LIBEL—Same as A. 914. Rearranges and clarifies provisions relating to libel. Referred to Codes Committee.

Oklahoma:

H. 342 (Hughes) EXCISE TAX—Levying excise tax of 5% on musical instruments, electric fans, cigarette holders, soap, radios, jewelry, sporting goods, firearms, cameras, oleomargarine and perfume.

South Dakota:

S. 118 (Berry) ADVERTISING BRANCH BANKS—To regulate advertising and prohibit misleading and deceptive publicity and advertising by or on behalf of banks operating branches. Referred to Banks and Banking Committee.

Tennessee:

H. 664 (Webb) PURE FOOD AND DRUGS—Same as S. 499. To prevent the manufacture and sale of adulterated or misbranded foods, drugs and cosmetics and to prohibit false advertising in connection therewith.

Texas:

H. 451 (Dwyer) SALES TAX—To levy a 2 per cent selective sales tax, but excepting foods, cheap clothing, etc. It also levies a 2 per cent gross receipts tax on sales of admissions, fares, billboards and other advertising, telephones, telegraphs, cleaning and pressing. Referred to Revenue and Taxation Committee.

H. 420 (Leonard) SMALL LOANS—To regulate the business of making small loans of $500 or less. Referred to Banks and Banking Committee.

Washington:

H. J. M. 13 (Pennock) BROADCASTING CONGRESSIONAL DEBATES—A memorial to petition congress to arrange for broadcasting in full on a national hookup all important debates and roll-call votes. Referred to Memorial Committee.

S. 264 (Maxwell) DENTAL ADVERTISING—To amend Section 10031-20 of Remington's Revised Statutes so as to extend the regulation of misleading dental advertising to all advertising mediums. Referred to Medicine Committee.

Wisconsin:

199, A. (Ludvigsen) RADIO STATIONS WHA AND WLBL—To transfer control and operation of radio stations WHA and WLBL from Department of Agriculture and Markets to the Board of Regents of the University. Referred to Committee on Education.

S. 84 (Bolens, et al.) APPREHENSION OF CRIMINALS BY RADIO—Relating to the apprehension of criminals by radio. Referred to State and Local Government Committee.

McNINCH APPROVES CODE

Chairman Frank R. McNinch of the Federal Communications Commission this week notified the Federal Communications Bar Association that the Commission is "in sympathy" with the ethical code agreed to by the membership of the association. In this connection Chairman McNinch this week sent the following letter to Judge Frank Roberson of the association:

Judge Frank Roberson,
President,
Federal Communications Bar Association,
National Press Building,
Washington, D. C.

Dear Judge Roberson:

"This will reply to your letter of January 23, 1939, in which you ask on behalf of the Executive Committee and the Committee on Ethics and Grievances of the Federal Communications Bar Association, whether the Commission is in sympathy with, or generally approves the Canons of Ethics of the Bar Association as published in the May, 1937, issue of the Federal Communications Bar Journal.

The Commission desires to promote and encourage the practice of law before it under the standards observed by ethical lawyers throughout the profession; and our rules now specifically impose on attorneys the duty of conforming to recognized standards of professional conduct.

In this connection the Commission views with general approval the Canons adopted by your Association. At the same time it will be appreciated that the subject is so much one of conscience as to make inappropriate the adoption or approval of rigid rules having the force of law. It may be noticed that most courts have declined to lay down fixed standards, other than through the precedents to be derived from their decisions. Accordingly, the Commission must reserve to itself as cases may arise the determination as to the principles of ethics which shall be applied. Judicial precedents, and our own, are guides in such determination; and the precepts your Association has established also are entitled to recognition and weight.

The Commission is in sympathy with your objectives in agreeing among your membership upon an ethical code, and commends the Association and its Committee in their effort to assist in insuring that the practice before us shall be conducted with all propriety.

Cordially yours,
Frank R. McNinch,
Chairman.

AMENDMENT TO FCC RULES

The Federal Communications Commission on February 13 amended the second provision of Sec. 4.01 of the Rules of Practice and Procedure, effective immediately, so that the entire section will read as follows (New matter italics; proposed deletion in brackets):

"Sec. 4.01 *Applications made on prescribed forms: exceptions.* Each application for an instrument of authorization shall comply with the Commission's Rules and Regulations and shall be made in writing, subscribed and verified as provided in Section 7.01, on a form furnished by or in the manner prescribed by the Commission: *Provided, however,* That in emergency cases the Commission may waive the requirements of formal application with respect to applications for other than radio licenses and for licenses, renewals, or modification thereof for stations on vessels or aircraft of the United States, pursuant to Section 308(a) of the Act. Separate application shall be filed for each instrument of authorization requested; *Provided, however,* That in cases *arising in services other than broadcast* where a single licensee holds a number of licenses *which are* identical in their terms *or which are identical in their terms* with the exception of *station* locality, and in other cases in the discretion of the Commission, a single application may be filed for renewal or modification of such licenses, where such single application sets forth in detail and in unmistakable *language* [terms,] an accurate description of the individual license*s* sought to be renewed or modified: *Provided, further,* That in cases where an applicant desires a modification of a rule or regulation, he shall submit a formal petition setting forth the desired change and the reasons in support thereof. The required forms may be obtained from the Commission or from any of its field offices. (For a list of such offices and related geographical districts, see Appendix No. 3)."

FREE OFFERS

Les Finkel of Macfadden Publications ("True Story," etc.) visited NAB headquarters this week to discuss the NAB's opinion that use of his firm's scripts and transcriptions in return for a credit line constituted violation of the NAB code of ethics.

Mr. Finkel said Macfadden Publications was spending a considerable sum each month for radio advertising and intended to spend more. Among the firm's programs, he pointed out, was "Mary and Bob" on NBC. The firm also was buying time in San Francisco, Los Angeles, Milwaukee and Kansas City, he said, for the "Doc Sellers" series, which the firm is asking broadcasters elsewhere to use free. He said the firm also was buying time some places for the "True Detective Mystery" script which also is on the "free offer" list in some places.

Mr. Finkel contends that the broadcaster which accepts the firm's "free offer" proposal is getting more than he gives and, hence, is not a "sucker." The broadcaster gets a good script and also a great deal of free advertising by Macfadden's local sales force, he said. The broadcaster, he said, is free to get a sponsor for the program if he desires.

The Chamber of Commerce of the United States has prepared a series of scripts for the use of local businessmen on local stations. New Dealers would characterize a great deal of the material in these scripts as anti-New Deal, even though the C. of C. says they are "nonpartisan."

Ernest Cutting of New York, who styles himself as a talent scout, says in a letter to the NAB that he was not aware that commission advertising was banned by the NAB code of ethics and that "naturally would want to uphold your code." Mr. Cutting's proposition was reported in last week's REPORTS.

Samuel C. Croot Co., Inc., New York City, has asked a number of stations to take a program on a sales percentage basis.

Pathfinder magazine, published in Washington, D. C., is offering stations permission to use its articles for news reviews, in return for a credit. The publishers say many stations have asked permission to use Pathfinder articles and frankly admit they think the credit line will boost their circulation.

MONOPOLY HEARING

Mutual completed its testimony on February 15 at the FCC monopoly hearing. The Commission announced that regional networks would be heard in the following order, starting February 21:

Don Lee Broadcasting System, Yankee Network and Colonial Network, King-Trendle Broadcasting Corporation (Michigan Network), Virginia Broadcasting System, California Radio System, Wisconsin Radio Network, Pacific Broadcasting Company, Texas State Network, North Central Broadcasting System, Arrowhead Network, Empire State Network, Inter-City Broadcasting System, Oklahoma Network, Pennsylvania Network, Quaker Network, and Texas Quality Network.

The day-by-day account of the hearings:

FEBRUARY 8

Mr. Antrim pointed out that, in practice, Mutual contracts resulted in exclusive service in a member's territory, but that the contracts actually did not provide for such. With the exception of the Don Lee network, no member had a contract which banned affiliation with another network, he said, and Mutual was willing to cancel that single restriction if asked.

Miles E. Lamphiear, Auditor, the next witness, testified that gross billings last year were $2,200,000, and then showed how this was distributed.

FEBRUARY 9

Fred Weber, General Manager, on the stand throughout the day, described Mutual's relationship with the stations in the system with regard to sustaining programs, and then turned to a long discussion of advertising and the difference between Mutual and other networks in this respect.

FEBRUARY 10

Adolph Opfinger, Program Service Manager, testified that WOR and WGN produced 60 per cent of Mutual's sustaining programs. He then described in detail the network's program service.

FEBRUARY 14

W. E. Macfarlane of Chicago, President, took the stand and introduced a list of the stockholders of the Tribune Company, owner of one-half of Mutual's stock. The Tribune Company, he said, had invested a total of $1,297,000 in radio, and lost $12,000 last year in the operation of WGN. George C. Davis, consulting engineer, occupied the stand the rest of the day, discussing the engineering phases of the Mutual system.

FEBRUARY 15

Alfred J. McCosker, Mutual chairman, introduced a list of the officers and stockholders of R. H. Macy and Company, owner of Station WOR through L. Bamberger and Company, and thus owner of one-half of Mutual's stock. Asked to state "the advantages to the public of your Mutual System," Mr. McCosker said:

"To begin with, the public interest sets in, I believe, more especially in the Mutual form of operation, in that there is put at their disposal a reservoir of programs, geographically diversified, and just inherently representing the various communities and portions of the country in which these programs originate. The public, to my mind, is further benefited by the fact that Mutual operation, providing as it does a larger return to the station owner, enabling him to spend more money in sustaining program production."

Mr. McCosker also said that certain contracts with other networks "make it impossible for Mutual * * * to broadcast its program by arrangement with the broadcaster" and that the Commission's "very serious consideration should be given to the prohibitive contracts—to us, prohibitive contracts—that are currently in force."

Asked what he felt should be done about this situation, Mr. McCosker said:

"I believe that a limitation of time or term during which such contracts might exist between outlets and chains would be the answer."

Asked whether he thought networks should have an option on the best listening time of affiliates, he said:

"Not all of it. There ought to be a modification of that."

Labor

WAGNER ACT AMENDMENTS

Senator Burke (D-Neb) and Representative Anderson (D-Mo) have introduced amendments which would drastically curb the powers of both labor unions and the

Labor Relations Board. Senator Burke's amendments would forbid the check-off of union dues, require union officers to be American citizens, ban union coercion, permit employers to ask for employee elections and forbid strikes without a majority vote. Both Senator Burke's and Representative Anderson's amendments would allow employers to transfer cases at will from the Labor Relations Board to Federal District Courts.

The American Federation of Labor Executive Council decided in Miami, Fla., last week to seek an amendment that would abolish the present Labor Relations Board and substitute a new, five-man board. The A. F. of L. claims the present board is pro-C. I. O.

Amendments previously introduced for the A. F. of L. were described in Vol. 7-4, p. 3227, of the REPORTS.

COST OF LIVING

The Labor Department reports that the cost of living for wage earners and low-salaried workers in 32 large cities throughout the country remained unchanged during the quarter ended last December 15. Buffalo, N. Y., with an increase of 1.2 per cent, was the only city to report a change of as much as one per cent. Stations wishing a more detailed report for wage negotiations can obtain it from headquarters.

COLUMBUS ENGINEERING CONFERENCE

The Broadcast Industry owes its thanks to Professor Everett of Ohio State University for organizing a meeting for the engineers of the industry. The meeting that took place recently on the campus of the University was the second of its kind and was remarkably successful. Over 125 engineers in charge of the operation of all types of broadcast stations from all parts of the country were present, together with a good sprinkling of consulting engineers.

Some excellent speakers discussed various engineering problems, covering the design of tubes, directional antennas, audio equipment, etc. One of the most interesting sessions was a discussion covering the standards of good engineering practice which were proposed by the FCC, and discussed in open hearing on June 6 of last year. Mr. Ring, Assistant Chief Engineer in charge of radio for the FCC discussed these standards with Mr. DeWitt (WSM), who represented the clear channel group at these public hearings, and with Mr. Bailey, whose firm represented the clear channel station WOR. The evolution of broadcasting was briefly covered starting from the early hectic days to the present system with governmental regulation. The growth of power from the time when 1000 watts was superpower was touched upon; the developments in equipment, the stabilization of frequency, and the advent of the directional antenna were all discussed.

Mr. Ring expressed his belief in the improvements possible by the cooperation of stations operating on the same frequency. Several questions from the floor were directed toward certain arbitrary standards that form part of the proposed standards of good engineering. For instance, that the separation of local stations will be based on daytime interference only. Mr. Ring stated that presentation of evidence at a hearing indicating that night interference would be excessive in certain cases would be given careful consideration.

The mention of Radio Inspectors aroused many comments indicating that not a few broadcast engineers are suffering from both real and imaginary grievances. It was pointed out that it was difficult for a broadcaster to complain about an Inspector, because one of the results would probably be to antagonize him. It is suggested, therefore, that if broadcasters have any grievance or believe than an Inspector is interpreting the rules improperly, he should write to the NAB so that the matter may be taken up by the Engineering Department of the NAB with the Engineering Division of the FCC without disclosing the name of the station complaining. Mr. Ring expressed his willingness to issue interpretations and instructions to all inspectors should it appear that some reasonably important phase of their work was being mishandled by some of them.

The other sessions of the meeting were as successful, although more specialized. It is hoped that this annual meeting will become a regular and established function, and that broadcast engineers will make its local their annual meeting place.

RAYMOND WILMOTTE.

DISTRICT 11 MEETING

The following members attended a District 11 meeting in Minneapolis on February 11:

KATE, Ed. Hayek; KYSM, R. E. Schwartz; WDGY, Ed. Shurick; KSTP, Ken Hance; WMIN, E. Hoffman; WTCN, C. T. Hagman; KROC, Gregory Gentling; KFAM, Fred Schilpin; WKNO, Max White; KFYR, F. E. Fitzsimmonds; KDLR, Bert Wick; WDAY, E. C. Renieke; KFJM, Dalton LeMasurier; KELO, KSOO, Wally Stone; WNAX, Robert Tincher.

McNINCH ANSWERS HIGH

Chairman Frank R. McNinch of the FCC took exception to a great deal of Stanley High's Saturday Evening Post article about broadcasting, in an MBS broadcast from Baltimore on February 10.

He said he had read Mr. High's article with "amazement" because of "certain glaring and inexcusable misstatements and false statements" it contained.

Mr. McNinch dwelt on Mr. High's statements about the "Beyond the Horizon" and "Orson Welles" incidents, news commentators, and the Commission reorganization.

RADIO REPORTER APPEALS

Fulton Lewis, Jr., MBS Washington reporter, has appealed to the Senate and House rules committees from the decision of the newspapermen's standing committee to keep him out of the Senate and House press galleries.

Mr. Lewis' letter to the standing committee, applying for permission to work in the galleries, was printed in NAB Reports.

JACK FALVEY

Station WLAW asked that the following notice be printed in the Reports.

"Any station knowing the whereabouts of Mr. Jack D. Falvey, owner and operator of the FALVEY FEATURE SERVICE CO., kindly communicate with Station WLAW, at Lawrence, Mass."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, February 20. They are subject to change.

Monday, February 20

WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—C. P., **1470 kc.,** 50 KW, unlimited time (DA for night use). Present assignment: **1470 kc.,** 5 KW, unlimited time.

NEW—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Friday, February 24

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

March 2

Oral Argument Before the Commission

Examiner's Report No. I-757:

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P., **920 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—S. M. Sifers, S. I. Sifers and E. I. Sifers, d/b as The South Nebraska Broadcasting Co., Hastings, Nebr.—C. P., **920 kc.,** 1 KW, 5 KW LS, unlimited time (DA for day and night).

Examiner's Report No. I-761:

NEW—J. Samuel Brody, Sumter, S. C.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WIS—Station WIS, Inc., Columbia, S. C.—For special experimental authorization for a satellite station; **560 kc.,** 10 to 100 watts. Time: LS to sunrise at Sumter, synchronously with WIS.

March 17

WAGA—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; **1450 kc.,** 500 watts, 1 KW LS, unlimited time.

March 27

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.,** 1 KW, 5 KW LS, unlimited time (DA night).

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

March 29

NEW—Don Lee Broadcasting System, San Francisco, Calif.—C. P. for a new television broadcast station; **42000-56000 kc.,** aural, 250 watts; visual, 250 watts night, aural 250 watts; visual 250 watts day; Emission A3, A4 and Special; unlimited time according to Rule 983.

March 31

KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 250 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KOMA—Hearst Radio, Inc., Oklahoma City, Okla.—Granted assignment of license from Hearst Radio, Inc., the present licensee, to KOMA, Inc. (Chairman McNinch voting "No" and Commissioner Craven not participating). Station operates on **1480 kc.,** with 5 KW, unlimited time.

WGCM—WGCM, Inc., Mississippi City, Miss.—Granted modification of license to change main studio to 14th Street and 23rd Ave., Gulfport, Miss.

KTFI—O. P. Soule, Twin Falls, Idaho.—Granted transfer of control of Radio Broadcasting Corp., licensee of Station KTFI, from the stockholders to O. P. Soule.

NEW—General Electric Co., Schenectady, N. Y.—Granted C. P. for new high frequency broadcast station, frequency **41800 kc.,** 50 watts. The frequency **41800 kc.** is authorized on an experimental basis only conditionally.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending September 1, 1939:

KFKA, Greeley, Colo.; KFPY, Spokane, Wash.; KFUO, Clayton, Mo.; KPRC, Houston, Tex.; KSD, St. Louis, Mo.; KSEI, Pocatello, Idaho; KWLK, Longview, Wash.; WDEV, Waterbury, Vt.; WFLA, Tampa, Fla.; WFMD, Frederick, Md.; WGBI and auxiliary, Scranton, Pa.; WGST, auxiliary, Atlanta, Ga.; WICC, Bridgeport, Conn.; WIND, Gary, Ind.; WJAR and auxiliary, Providence, R. I.; WKBN, Youngstown, Ohio; WLBZ, Bangor, Me.; WMMN, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WORL, Boston, Mass.; WPIC, Sharon, Pa.; WQAN and auxiliary, Scranton, Pa.; WRNL, Richmond, Va.; WSPA, Spartanburg, S. C.; WSYR-WSYU, Syracuse, N. Y.; WWJ and auxiliary, Detroit, Mich.; WPRO and auxiliary, Providence, R. I.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted renewal of license for the period ending July 1, 1939.

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted renewal of license for the period ending July 1, 1939.

KVSO—The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Present license extended on a temporary basis for a period of 3 months, subject to whatever action may be taken upon the pending applications of this station for renewal of license and transfer of control.

W2XUP—Bamberger Broadcasting Service, Inc., New York City.—Granted renewal of facsimile broadcast experimental station license for the term March 1, 1939, until further order of the Commission, but in no event later than March 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W3XE-W3XP—Philco Radio & Television Corp., Philadelphia, Pa.—Granted renewal of television broadcast station license until further order of the Commission, but in no event beyond

3 a. m., EST, February 1, 1940, subject to the condition that it is granted on an experimental basis only, and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XK—State University of Iowa, Iowa City, Iowa.—Granted renewal of television broadcast station license until further order of the Commission, but in no event beyond 3 a. m., EST, February 1, 1940, subject to the condition that it is granted on an experimental basis only, and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XUI—State University of Iowa, Iowa City, Iowa.—Granted renewal of television broadcast station license until further order of the Commission, but in no event beyond 3 a. m., EST, February 1, 1940, subject to the condition that it is granted on an experimental basis only, and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W6XLN—Ben S. McGlashan, Portable-Mobile.—Granted renewal of relay broadcast experimental station license until further order of the Commission, but in no event beyond 3 a. m., EST, December 1, 1939, upon the express condition that it is subject to change or cancellation by the Commission without advance notice or hearing, if in its discretion the need for such action arises.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—M. L. Medley, Cookeville, Tenn.—Application for C. P. for new station to operate on frequency **1370 kc.**, 100 watts night, 250 watts daytime, unlimited time. Application designated for hearing to determine if interference might result to existing stations, and financial qualifications of applicant.

NEW—John F. Arrington, Jr., Valdosta, Ga.—Application for C. P., already in hearing docket, amended so as to request operation on **1230 kc.**, 250 watts, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval. Application designated for hearing to determine if interference might result to existing stations.

WICA—WICA, Inc., Ashtabula, Ohio.—Application for C. P. to install new equipment and increase day power from 250 watts to 1 KW. Application designated for hearing to determine if interference might result to existing stations, and pending applications from Ohio involve an increase in service.

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P. for new station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval. Application designated for hearing to determine if interference might result to existing stations, and pending applications from Virginia involve an increase in service.

MISCELLANEOUS

KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition to accept appearance of respondent in the matter of the application of Bureau of Education, A. Corenson, owner and manager, for a new station at Montbello, Calif., to operate on **1420 kc.**, 100 watts, daytime.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted applicant's motion to continue hearing on applications to increase power of KERN from 1 KW, unlimited, to 1 KW night, 5 KW LS, unlimited, and for KMJ to change frequency and power from **1370 kc.**, 100 watts, to **1380 kc.**, 1 KW, unlimited time; to be heard with the application of KOH, the Bee, Inc., Reno, Nav.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted applicant's motion to continue hearing on applications to increase power of KERN from 1 KW, unlimited, to 1 KW night, 5 KW LS, unlimited, and for KMJ to change frequency and power from **1370 kc.**, 100 watts, to **1380 kc.**, 1 KW, unlimited time; to be heard with the application of KOH, the Bee, Inc., Reno, Nev.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.,—Granted motion for order to take depositions in re application to increase power.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted motion for order to take depositions in re application to change frequency and increase power.

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Granted petition to accept respondent's answer in the application of KRSC, Radio Sales Corp., Seattle, Wash., for increase in power from 250 watts to 1 KW, unlimited, on **1120 kc.**

WCAD—The Brockway Company (Lessee), Watertown, N. Y.—Denied petition to set April 6, 1939, as hearing date in re the application of The Brockway Company to erect a new station to operate on **1270 kc.**, 500 watts, daytime, and move from Canton to Watertown, N. Y., and the application for voluntary assignment of license of WCAD, from the St. Lawrence University to the Brockway Co.

WHDF—Upper Mich. Broadcasting Co., Calumet, Mich.—Granted petition for order to take depositions before Edward T. Colombe, Notary Public, in re application to increase hours of operation from specified to unlimited on present assignment of **1370 kc.**, 100 watts night, 250 watts day.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted motion of counsel for the Gateway Broadcasting Co., requesting that the order of Commissioner Brown issued on February 7, 1939, cancelling the hearing on petitioner's application for C. P., Docket 4679, *be set aside* and that the order of Commissioner Walker issued on January 6, 1939, granting the petition of the Gateway Broadcasting Co. for permission to amend its application in Docket 4679 by changing the transmitter site and to retain February 15, 1939, as the hearing date, *be affirmed*.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from local sunset (Feb. 6 p. m., CST) to midnight on February 9, 10, 11, in order to broadcast the Golden Gloves Amateur Boxing Tournament, using 100 watts only.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast (experimental stations W8XIQ and W8XIR) on frequency **31220 kc.** pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service. The term of the special temporary authority shall be from February 9 to March 10, 1939.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate high frequency broadcast station W2XDG on the frequency **38.65 megacycles** pending definite arrangements to be made in the ultra high frequency bands, for the period February 18 to March 19, 1939.

NEW—Solomon L. Goodman and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—Granted motion to amend application and retain hearing date as March 6, 1939. Applicants request C. P. for new station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted request to waive Sec. 12.71 and to cure defect in taking certain depositions, substituting B. S. McDonald for R. T. Stinson as officer before whom depositions were taken, in re application for C. P. to change frequency from **1310 kc.** to **880 kc.**, and power from 250 watts daytime to 1 KW, unlimited, using directional antenna.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station WCBN aboard the aircraft *Yankee Clipper*, owned by Pan American Airways Co., on the frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.**, in addition to the normal licensed frequencies, for the period February 18 to March 19, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda to Port Washington, N. Y., to London and return, and to be broadcast by CBS.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station W2XUP on the frequency **25700 kc.** in lieu of normal licensed frequencies, for the period February 17 to March 18, pending definite arrangements to be made in the ultra high frequency bands.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCC, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY on the frequencies of **31.22** and **37.02 megacycles**, in lieu of present assignments of **31.1** and **37.6 megacycles**, for the period February 19 to March 20, pending adjustments of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order No. 19.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on February 25, March 4, 11, 18, 25, 1939, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 to 10 a. m., and from 2 to 3 p. m., EST, on February 26, March 5, 12, 19, 26, in order to broadcast religious services, newscasts and musical programs; to operate from 8:30 to 10 a. m., and from 2 to 3 p. m., EST, on February 22, in order to broadcast musical programs and newscasts, provided WSVS remains silent.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW power night, for a period of 30 days, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency of **780 kc.**, or reduces power so that additional interference is not involved. This grant is authorized conditionally.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Dismissed without prejudice, application for C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time (DA night), which was heretofore set for hearing, and applicant requested withdrawal.

WELI—City Broadcasting Corp., New Haven, Conn.—Ordered that a construction permit be issued to WELI, covering use of a directional antenna at a site other than that at which the transmitter is now located.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied motion to reconsider and grant without a hearing or designate the same for hearing before an Examiner, the application requesting authority to operate unlimited time on present frequency, **1180 kc.**

WCOP—Mass. Broadcasting Corp., Boston, Mass.—Denied petition of WCOP to postpone decision on its application to change frequency from **1120** to **1130 kc.**, and increase hours of operation from daytime only to sunset at Salt Lake City, continuing use of 500 watts power, until the Commission decides application of WPG, to assign license to Greater New York Broadcasting Corp., and move station from Atlantic City to New York.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted motion of WSUN to withdraw its petition to reopen the case involving application of Pinellas Broadcasting Co. for a new station at St. Petersburg for further hearing, and dismissed said petition.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 p. m., CST, February 24 to 1 a. m., CST, February 25, or to conclusion of broadcast of District Golden Glove Boxing Tournament.

WQDM—Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8 p. m. to midnight, EST, February 21, in order to broadcast Knights Templar Ball.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., CST, until midnight on the following dates: February 27, in order to broadcast political programs in connection with primary election for offices of Mayor and City Commissioners; February 28, in order to broadcast primary election returns.

W2XBF—William G. H. Finch, New York City.—Granted extension of special temporary authority to operate experimental broadcast station W2XBF on the frequency **42260 kc.**, in addition to the normal licensed frequencies for the period February 20 to March 21, pending definite arrangements to be made in the ultra high frequency bands.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted authority to rebroadcast from 7 to 7:30 p. m., CST, February 13, program material only from the following Army Amateur Stations: W4LU, BYV, CAN, EQO, BED, DCF, ACZ, VF, AAY, DRI, AEE, IS, W5FEZ, FDI, BRW, GEC, CFX, GGE, BHO, FVH, DYK, ABQ, BGG, BNE, FSI, GST, AXD, DRR, DHE, CNG, DAN, BID, CXH, AO, GMT: Other amateur operations listed not having Class A privileges; frequency of **3905 kc.**

NEW—Nichols & Warinner, Inc., Portable-Mobile, area of Long Beach, Cal.—Granted C. P. for new relay broadcast station: frequencies **1622, 2058, 2150** and **2790 kc.**, 25 watts. Also granted license for same.

KAOD—Wescoast Broadcasting Co. (Wenatchee, Wash.), Portable-Mobile.—Granted modification of C. P. to make changes in equipment and reduce power from 20 to 10 watts in relay broadcast station. Also granted license to cover same.

KAIH—Earle C. Anthony, Inc., Portable-Mobile (area of Southern Calif.).—Granted license to cover C. P. for new relay broadcast station: frequencies **1606, 2022, 2102** and **2758 kc.**, 25 watts.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted license to cover C. P. authorizing new station to operate on **1370 kc.**, 100 watts daytime only.

KSEI—Radio Service Corp., Pocatello, Idaho.—Granted license to cover C. P. authorizing installation of new equipment.

KFJM—Univ. of North Dakota, Grand Forks, N. D.—Granted extension of special temporary authority to operate with increased power (from 500 watts to 1 KW) from 9 p. m. to 9:30 p. m., CST, on Wednesdays and Thursdays, February 22 and 23, and March 1, 2, 8, 9, 15, 16, 22, 23, in order to broadcast educational talks.

Cleveland City Board of Education, Cleveland, Ohio.—Granted special temporary authority to operate Non-Commercial Educational Broadcast station WBOE, on the frequency **41500 kc.**, with power of 500 watts, for facsimile transmissions, for the period February 15 to March 16, for a series of demonstration broadcasts in the use of facsimile for educational purposes.

KIFO—Nichols and Warinner, Inc., Portable-Mobile (area of Long Beach, Cal.).—Granted C. P. to install new equipment and reduce power from 200 watts to 25 watts, in relay broadcast station.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW, and a conventional antenna for the period February 15 to March 16, pending installation of directional antenna authorized in grant of October 25, 1938.

WHDF—Upper Mich. Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 10 p. m., CST, February 24, in order to broadcast Mich. State Highway Department Houghton Conference.

KTHS—Tri-State Broadcasting System, Inc., Shreveport, La.—Continued indefinitely the oral argument now scheduled for February 16, on application to change frequency from **1450** to **620 kc.**, and power from 1 KW, unlimited, to 1 KW, 5 KW LS, unlimited, until such time as the petition for rehearing, now pending in connection with KWFT application, has been finally decided.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (March, 6:30 p. m., CST), to 11:05 p. m., CST, in order to broadcast the following: March 5, 12, 19, 26, 1939, church services; March 6, 13, 20, 27, American Legion Meetings; March 2, 7, 9, 14, 16, 21, 23, 28, 30, basketball games; March 1, 8, 15, 22, 29, wrestling matches; March 3, 10, 17, 24, 31, Community Jamboree; March 11, 18, 25, East Texas Chamber of Commerce programs; March 4, Delta-Phi Kappa Banquet, using 100 watts only.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test the high frequency broadcast equipment of Station W1XPW authorized by modification of C. P., on the frequency of **43.4 megacycles**, with power of 1 KW, for the period February 23 to March 24, pending definite arrangements to be made in the ultra high frequency bands.

APPLICATIONS FILED AT FCC

550 Kilocycles

WKRC—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of license to use 5 KW power all daytime hours.

1200 Kilocycles

KVOS—KVOS, Inc., Bellingham, Wash.—Modification of construction permit (B5-P-2123) for new antenna, move of transmitter, requesting authority to change type of transmitter, and extend commencement date 90 days and completion date 90 days thereafter. Amended: Minor equipment changes.

1210 Kilocycles

WTMA—Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of construction permit (B3-P-1721) for a new station, requesting approval of antenna, new transmitter, and transmitter site at North End of 11th St., Charleston, S. C., and studio site at Charleston Hotel Meeting St., Charleston, S. C. Amended: Change type of transmitter.

1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—License to cover construction permit (B4-P-2111) for equipment changes.

1310 Kilocycles

KRQA—J. Laurance Martin, Santa Fe, N. Mex.—Voluntary assignment of license from J. Laurance Martin to New Mexico Broadcasting Co.

WBRE—Louis G. Baltimore, Wilkes-Barre, Penna.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WBRE—Louis G. Baltimore, Wilkes-Barre, Penna.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day, and night. (Violation Rule 121.)

1340 Kilocycles

KGIR—KGIR, Inc., Butte, Mont.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

1350 Kilocycles

WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of license to use directional antenna for day and night.

1370 Kilocycles

WFOR—Forrest Broadcasting Company, Inc., Hattiesburg, Miss.—Construction permit to make changes in transmitting equipment and increase power from 100 watts night and day to 100 watts night, 250 watts day.

1380 Kilocycles

WHBC—State Broadcasting Corporation, New Britain, Conn.—Modification of license to increase power from 250 watts, 1 KW day, to 1 KW day and night (station is employing directional antenna for day and night operation).

1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright, and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Company, Vernon, Tex.—License to cover construction permit (B3-P-1869) as modified for a new station.

MISCELLANEOUS

King-Trendle Broadcasting Corporation, Detroit, Mich.—Extension of authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission, for period 4-16-39 to 10-16-39.

W6XDA—Columbia Broadcasting System, Inc., Los Angeles, Calif.—License to cover construction permit (B5-PHB-24) as modified for a new high frequency station.

W1XOJ—The Yankee Network, Inc., Princeton, Mass.—Modification of construction permit (B1-PHB-39) to extend completion date from 4-29-39 to 10-29-39.

W2XVT—Allen B. DuMont Laboratories, Inc., Montclair, N. J.—Modification of construction permit (B1-PVB-5) as modified for changes in transmitter and antenna.

W2XVT—Allen B. DuMont Laboratories, Inc., Montclair, N. J.—License to cover above.

NEW—Woodmen of the World, Life Insurance Society, Omaha, Nebr.—Construction permit for a new relay broadcast (low frequency) station on **1622, 2058, 2150, 2790 kc.,** 20 watts power.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

Anylite Electric Company—Alleging the use of unfair and deceptive acts and practices in the sale of an electrical device advertised as "The New Way to Health, a complaint has been issued against Anylite Electric Company, 200 Murray St., Fort Wayne, Ind.

The respondent's product, designated Theronoid, is described as consisting of a coil of wire, or solenoid, in a container intended to be placed around the patient's body. By means of an alternating electric current, an electro-magnetic field of therapeutic value is said by the respondent to be created.

The respondent is alleged to have described its product as "Theronoid Therapeutic Solenoid, The New Way to Health," which description is alleged to represent, directly and indirectly, that the device is capable of restoring normal health to the user, and that the product has a therapeutic value. (3704)

Autogroom Company—A complaint has been issued charging three former employees of the manufacturer of an automobile cleaning and polishing product, who have organized a rival company, with misrepresentation and disparagement of the product they once sold.

Mathew W. M. Devitt, Roy D. Schlegel and Robert E. Sargent, trading as Autogroom Company, with offices at 11 East 44th St., New York, and 5013 Georgia Ave., N. W., Washington, D. C., and a manufacturing plant in Long Island City, N. Y., were once connected with the manufacture and sale of Karsmetik, an automobile cleanser and polisher, which still is being manufactured and sold, it is alleged.

The complaint charges that the respondents, through acquaintance and familiarity with purchasers of their former product, defamed and disparaged it to prospective purchasers of their own product, Autogroom, by alleging that the company manufacturing Karsmetik is no longer in business; that the product is not being offered for sale; that the chemist who discovered the formula for, and supervised the preparation of, Karsmetik, is now in the employ of the respondents, and that the product Autogroom is, in all respects the same as the product Karsmetik. (3702)

Denis Furniture Company—See Grand Rapids Exchange, Inc.

Electrical Laboratories, Company, Inc.—Under a complaint, Electrical Laboratories Company, Inc., 49 East 21st St.; New York, is charged with misleading representations in the sale of radio receiving sets, antennae, aerial eliminators and other devices and parts.

Advertisements published by the respondent company are alleged to have represented that its Walco Aerial Eliminator and its Dynamic Antenna improve selectivity and tone, remove electrical disturbances, give volume and distance equal to outdoor aerials and with better selectivity, and remove all nuisance and danger of lightning, storms and short circuits, when, according to the complaint, use of the products will not accomplish the results claimed. (3707)

General American Sales Corporation, 32 West Randolph St., Chicago, Ill., and David C. Baskin, president, and Arnold and Faye Simon, directors, are alleged to have sold electric razors, cameras and other novelty articles under a similar plan. (3706)

Grand Rapids Exchange, Inc.—Misrepresentation in the sale of furniture is charged in a complaint against Grand Rapids Exchange, Inc., a corporation, with offices and principal place of business at 55 Hope St., Brooklyn, N. Y., and also trading under the name of Denis Furniture Company at 2182 Third Ave., New York.

Through the use of conspicuous signs, such as "The Original Grand Rapids (Exc., Inc.) Furniture, Main Show Rooms", the complaint alleges, and through oral representation to purchasers and prospective purchasers of being "The only authorized agent in New York City handling Grand Rapids furniture" and that "we are the real McCoy because we have our factory in Grand Rapids, Michigan", and through letterheads, invoices and other printed matter lettered "Grand Rapids Exchange, Inc.", the respondent represents and implies that its furniture is manufactured in Grand Rapids where it controls and operates its own factory. (3703)

Hershey Creamery Company—A complaint has been issued charging Hershey Creamery Company, Harrisburg, Pa., with selling to dealers assortments of frozen confections so packed and assembled as to involve use of lottery methods when sales are made to ultimate consumers.

Each assortment consists of several confections known as "Fudgicle" and "Banjo", packed separately in paper bags and sold for 5 cents each, the complaint alleges.

According to the complaint, the purchaser who receives a confection, the handle of which bears a concealed phrase, such as "Return this stick for free Fudgicle", receives an additional confection without additional cost. (3700)

National Advertisers Company—J. P. Sheehan, trading as National Advertisers Company, 230 East Ohio St., Chicago, Ill., is alleged to have sold watches, radios, pen and pencil sets and other novelty articles by means of a plan involving use of push cards by means of which purchasers who selected a certain feminine name from the push card received prizes wholly by lot or chance. (3705)

Joseph Sculler, Inc.—Use of unfair and deceptive acts and practices in connection with the sale of jewelry, watches and gift articles is alleged in a complaint issued against Joseph Sculler, Inc., 35 East Gay St., Columbus, Ohio, and against the officers of the company, Joseph Sculler, president, Mrs. Joseph Sculler, vice president, and Hamel Curwin, secretary.

The complaint charges that use of the word "manufacturing" in the phrase "Manufacturing Jeweler Wholesale", appearing on letterheads, invoices and other printed matter circulated by the respondents, serves as a representation that they own, operate or control a plant in which the articles they sell are manufactured. (3701)

United Distributors, Inc., 113 South 3rd St., Louisville, Ky., dealer in Wittone, a medicinal product, is charged with misleading representations in a complaint.

In the sale of its preparation the respondent is alleged to have made various misleading representations such as the assertion that frequent bilious spells, dizziness, headache, sour stomach, lack of sleep and loss of appetite are the results of pressure on the nerves in the region of the digestive organs because of poisons arising from constipation swelling these organs, and that Wittone will immediately relieve all distresses of the stomach and enable the user to eat and digest sufficient food and keep the blood rich, strong and free from impurities.

The complaint alleges that the respondent's assertions constitute false advertising in that constipation does not cause the digestive organs to swell and does not, in many cases, result in the generation of poisons in the digestive tract by fermentation or otherwise. The ingredients of Wittone are not such as to afford immediate significant relief for all stomach disorders, according to the complaint. (3708)

STIPULATIONS

The Commission has entered into the following stipulations:

Manufacturers' Laboratory, Inc.—Misleading representations in the sale of correspondence courses will be discontinued under a stipulation entered into by Roy C. Landry and Manufacturers' Laboratory, Inc., 1323 Race St., Philadelphia. The respondents conduct a trade school and sell correspondence courses in refrigeration, air-conditioning and Diesel mechanics and operation.

Under their stipulation, Landry and Manufacturers' Laboratories, Inc. agree to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and the actual earning power or future security of students and graduates, and stipulate that they will discontinue using "Help Wanted" or other employment columns in newspapers to contact prospective students in such manner as to mislead them into believing that jobs are being offered.

The respondents also stipulate that they will cease advertising that they find employment for their graduates or that they have authority to offer all available positions on new installations of Diesel to those on their lists, or that they maintain a placement service for all graduates, when such are not the facts. (2391)

Sally Negligee Company—Misleading representations in the sale of women's wearing apparel will be discontinued under a stipulation entered into by Herman B. Levy, trading as Sally Negligee Company, 38 East 30th St., New York.

Levy agrees to stop using the phrase "pure dye" or the words "satin" or "crepe" or other words connoting silk as descriptive of fabrics not composed thereof, and to cease employing these terms in any manner implying that the fabrics to which they refer are composed of silk, when such is not a fact.

The stipulation provides that if the word "crepe" is used properly to describe the type of weave or construction of a rayon fabric, it shall be immediately accompanied in conspicuous type by the word "rayon". (2392)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Banfi Products Corp.—An order to cease and desist from misleading representations in the sale of a medicinal product has been issued against Banfi Products Corporation, 206 Spring St., New York, and Harry, John, Paul and Joseph B. Mariani, who control the corporation's advertising policies and business.

The respondents are directed to cease advertising that Montecatini Salts are safe to use and are an effective treatment for practically all ailments, and a remedy for stomach, liver and heart diseases, constipation, headaches, bad breath, acidity, rheumatism, gout, obesity, high blood pressure, skin ailments, or uric acid. (3598)

Bloomingdale Bros., Inc.—Orders have been issued prohibiting misleading representations in the sale of wearing apparel by a New York department store and of dry goods by a Chicago dealer.

Bloomingdale Bros., Inc., Lexington Ave. & 59th St., New York, in the sale of men's and women's wearing apparel, is directed to cease using the word "wool" or any words of like meaning to describe a fabric not made wholly of that material, provided that in the case of fabrics made partly of that material and partly of rayon or materials other than wool, there is used in immediate connection with the word "wool" and in conspicuous type, words truthfully designating each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

Milton Meyer, trading as Republic Products Company and as Intercommunication System of America, 2440 Lincoln Ave., Chicago, sells a line of dress materials, handkerchiefs, tableware, hosiery, quilting materials, and an intercommunicating system designated "Flash-A-Call," for use in offices.

Meyer is ordered to stop representing that (1) his usual combination offer of merchandise is a special introductory sale; (2) that purchasers will receive a larger number of items or a different quality than the number or quality actually shipped; (3) that items regularly included in his combination offer are given as an added inducement for prompt purchase or service rendered; (4) that handkerchiefs included in any combination offer are embroidered, and (5) that the respondent is a manufacturer of intercommunicating systems, or that his systems formerly sold for prices up to $100 or for any price in excess of $12.50.

Both respondents are ordered to stop advertising or selling fabrics or products composed in whole or in part of rayon without clearly disclosing this rayon content, and when such articles are made in part of rayon and in part of other materials, the constituent materials, including rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent. (3564, 3437)

Excelsior Laboratory, Inc.—An order has been issued requiring Excelsior Laboratory, Inc., 70 Spring Hill Ave., St. George, Staten Island, New York, to cease and desist from disseminating false advertisements concerning its preparations designated D. Gose-Wisch's Garlic Tablets, D. Gosewisch's Garlic Tablets with Vitaman E Added, and D. Gosewisch's Garlic Tablets with Vitamin B-G Added.

The order directs that the respondent company cease disseminating false advertisements which represent that the respondent's garlic tablets (1) constitute a remedy or cure for high blood pressure, loss of vitality, impurities of the bloodstream, or abnormal glandular functions; (2) will help maintain and improve muscle functions or give abdominal strength or vital resistance; (3) will stimulate growth of or strengthen the intestines; (4) will be an effective nerve remedy or will tone up the nerve system or ward off the onslaught of old age, or (5) are a remedy for insomnia, dizzy spells, rising blood pressure, bad memory or general debility.

Other representations which the order forbids the respondent to disseminate through its advertisements, are: (1) that its garlic tablets constitute a competent, effective treatment for the diseases or ailments mentioned other than as an aid in soothing the nervous system; (2) that they are antiseptic; (3) that they are guaranteed, unless such guarantee is limited to the refund of the purchase price, and (4) that "Vitamin E is the Vitality Vitamin" or is the most vital of all elements discovered by science. (3648)

Fashion Originators Guild of America, Inc.—See National Federation of Textiles, Inc.

Intercommunication System of America—See Bloomingdale Bros., Inc.

Koskott Company—Rose R. Scott, individually and trading as Koskott Company, 223 West 33rd St., New York, has been ordered to cease and desist from disseminating advertisements representing that any of her cosmetics, designated Koskott, will stop falling hair, prevent baldness, grow hair or constitute a remedy for dandruff, pimples, eczema, barber's itch and other scalp disorders or that the preparations are of the highest medical, pharmaceutical or scientific efficiency. (3575)

Miami Magazine—See Miami Wholesale Drug Corp.

Miami Wholesale Drug Corporation, Miami, Fla., and six individuals who trade under the name of Miami Magazine, have been served with an order prohibiting certain price discriminations in violation of the Robinson-Patman Act.

Individual respondents are: Arthur S. Lavine, president of the corporation; Vivian L. King, vice president; Sam S. Lavine, treasurer; Rodney S. Pullen, Jr., active manager of the corporation and of the business done under the trade name Miami Magazine, and Esther S. and Elizabeth R. King.

The case involves the inducement of the granting of advertising allowances and discounts by the respondents on purchases made by them from drug manufacturers and sellers, such amounts consisting of payments for advertising space in the Miami Magazine published by the respondents, at prices greater than the actual value of such space, according to findings.

The order directs that the respondents cease and desist from inducing sellers to contract with any of the respondents, in connection with their purchases of commodities, for the payment for advertising space in any magazine or publication published by any of the respondents, at prices greater than the recognized value of such space as an advertising medium to the sellers paying therefor.

The order also forbids inducement of sellers to discriminate in price between any of the parties respondent and other purchasers of commodities of like grade and quality, by granting, allowing and paying to any of the respondents, in connection with their purchases, any advertising allowances or anything of value in lieu thereof, which are not granted by such sellers to all of their customers on proportionately equal terms. (3377)

Miller Growers Association—Prohibiting certain misleading representations in the sale of citrus fruits, an order has been issued against Miller Growers Association, a corporation, 53 Park Place, New York, and against Benjamin and Leah Miller, officers of the corporation, who, as a partnership, trade under the name Miller Growers Association, and against Minerva Miller.

The order requires the respondents to cease and desist from disseminating advertisements, directly or through implication, representing by use of the word "growers" or "association" in a corporate or trade name, that the respondents are growers of citrus fruit or owners of citrus fruit groves in Florida or elsewhere, or are an association of fruit growers.

Under the order, the respondents are prohibited from disseminating advertisements representing to prospective customers that certain of their friends have suggested them as possible purchasers of the respondents' products, and representing to buyers or other officials of hospitals or other institutions that high officials of such institutions have expressed the desire that the respondents receive from their institutions orders for fruit. (3573)

National Federation of Textiles, Inc.—An order has been issued requiring Fashion Originators Guild of America, Inc., New York, its president, Maurice Rentner, its executive director, Albert M. Post, its other officers and directors, and its membership composed of 225 manufacturers of textiles and women's garments, to cease and desist from certain boycotts and monopolistic and other restraint of trade practices.

Other respondents include National Federation of Textiles, Inc., New York, comprising about 100 manufacturers, converters, dyers and printers of silk and rayon fabrics and Chicago, Minneapolis and Baltimore retailer organizations and their respective officers, directors and members, together with approximately 12,000 cooperating retailers, all of which were found to have cooperated with FOGA in effectuating its unlawful policies. (2769)

Pen-Pencil Company, Inc.—An order has been issued requiring Argo Pen-Pencil Company, Inc., 220 Broadway, New York, and Harry Sachnoff, to discontinue misleading representations in the sale of fountain pens and pen points in interstate commerce.

The respondents are directed to cease and desist from representing, through use of brands or markings containing the letters "K" or "Kt", alone or with other letters, figures or designs indicative of gold carat fineness, that their plated fountain pen points or nibs are gold of any specific carat fineness.

The order also prohibits the use of brands or marks containing the letters "K" or "Kt" in connection with words indicative of gold plating on their pen points, unless such words appear in immediate conjunction with the letters "K" or "Kt" in equally conspicuous type and are located so that they will not escape notice. (3169)

Reid Packing Company—R. P. Reid, trading as Reid Packing Company, 320 South College St., Charlotte, N. C., processor-dealer in salted peanuts, has been served with an order requiring him to cease and desist from selling and distributing salted peanuts so packed and assembled that sales to the ultimate consumer may be made by means of a lottery or gift enterprise.

The order directs the respondent to discontinue distributing for resale to the public by retail dealers, individual packages of salted peanuts containing coins, such packages being assembled in assortments with other packages of similar size and appearence not containing coins. (3677)

Republic Products Company—See Bloomingdale Bros., Inc.

Siroil Laboratories, Inc.—Prohibiting misleading representations in the sale of a skin and scalp remedy, an order to cease and desist has been issued against Siroil Laboratories, Inc., 1214 Griswold St., Detroit.

Under the order, the respondent company is directed to cease representing that its preparation, Siroil, removes dandruff, or is a cure or remedy for dandruff or psoriasis, or will clear up psoriasis lesions or cause skin sores or blotches to disappear permanently.

The order also bars the representation that Siroil removes the crust, scales, lesions and blemishes caused by psoriasis and relieves other of its discomforts, unless such representations are specifically restricted to removing such conditions in cases where they are external in character and located solely in the outer layer of the skin. (3378)

Stylecraft Leather Goods Co., Inc.—See Morris White Mfg. Co., Inc.

Morris White Mfg. Co., Inc., and its subsidiary, Stylecraft Leather Goods, Inc., both of 362 Fifth Ave., New York, have been ordered to desist from misrepresenting certain leather handbags which they manufacture and sell in interstate commerce.

The order prohibits the misrepresentation that the leather of which certain handbags are made is, or has the pliability of, "glove leather," unless and until "glove leather" is actually used by the respondent companies. The Commission found that a particular group of the respondent companies' handbags were advertised as being made from "Imported French Glove Leather," when in fact the leather of which the handbags were made was not that known to the trade as "glove leather." (3052)

FTC CLOSES TWO CASES

The Federal Trade Commission has closed its case against E. L. Bruce Company, Memphis, Tenn., charged with making misleading representations in the sale of Terminix, a chemical for treating lumber affected by termites.

Closing of the case was directed after the respondent company entered into a stipulation as to the facts and an agreement not to resume certain representations concerning the effectiveness and importance of its product.

The stipulation recites that misleading representations made by the respondent company as alleged in the complaint were voluntarily discontinued in 1936 and 1937, and that one such assertion alleged to have been made by the respondent company was in fact the representation of one of its licensees in a local newspaper advertisement.

The respondent agrees that in the future it will exercise control over the subject matter of its licensees' advertisements, if necessary cancelling the license of any licensee who may persist in making false, fraudulent or misleading representations.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should the facts so warrant.

The Commission has also entered an order dismissing its complaint against Rudolph R. Ray, 422 North D Street, Fremont, Nebr., trading as Ray Individual Mausoleum Company, Fremont, and as the Individual Mausoleum Company, Deshler, Nebr. The respondent had been charged with making false representations in advertising cement burial vaults.

In dismissing the case, the Commission makes known that the evidence introduced at the hearings failed to sustain the allegations of the complaint with respect to interstate commerce.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 8, FEBRUARY 24, 1939

NAB, Lang-Worth to Continue Tax-Free Music

The NAB and Langlois-Wentworth agreed this week to join forces in providing tax-free music for the broadcasting industry.

Lang-Worth Features Programs, Inc., is to take over the NAB Bureau of Copyrights contracts, calling for 100 recorded hours of tax-free music. Twenty hours already have been provided. The remaining 80 hours are to be supplied from the Lang-Worth library at the Bureau price of $10 an hour.

Lang-Worth then is to supply an additional 200 hours over a period of two years, to bring the total to 300 hours. The 200 new hours are to be sold at $10 an hour, plus increases resulting from a new A. F. of M. contract. It is understood that the price will be less than $15 an hour.

The additional 200 hours are to include a substantial percentage of new, original dance music with lyrics. The recording of new material will be under the supervision of an advisory committee of broadcasters.

The officers of the NAB Bureau of Copyrights will work with Lang-Worth in carrying out the entire program.

Meantime, Senator White (R-Maine) introduced a bill to substitute a new, eleven-man commission for the present FCC. This contrasts with the Wheeler-Lea bill to substitute a three-man commission for the present seven-man body.

If the White Bill became law, five commissioners would deal solely with broadcasting while another five would handle telephone, telegraph and point-to-point radio.

The White Bill also would clarify that section of the 1934 Act regarding censorship of political broadcasts, and would require stations to give a full identification, on the air, of all speakers on political or public questions. No other changes in the policy sections of the present Act were included.

The Senate Interstate Commerce Committee still has fixed no date for hearings on either the Wheeler-Lea or White bill.

In discussing his bill on the Senate floor, Senator White said:

"I emphasize that without giving painstaking care to the draft, I have introduced this bill in the hope that the legislative proposals contained therein may receive consideration by the Interstate Commerce Committee of the Senate when Senate bill 1268 (Wheeler-Lea)

(Continued on page 3298)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

NAB, LANG-WORTH TO CONTINUE TAX-FREE MUSIC

(Continued from page 3297)

is taken up for study. Other questions of policy ought to be surveyed and the congressional purpose with respect to them declared.

"Some of them are highly controversial; and it has long seemed to be that investigation and study should precede any attempt to draft legislation."

Copyright

Neville Miller, NAB President, is sending to all broadcasters the following letter and synopsis of the agreement between the NAB Bureau of Copyrights and Lang-Worth Feature Programs, Inc., which provides for carrying on the work of building a library of tax-free music:

MR. MILLER'S LETTER

Attached hereto is a synopsis of the contract signed February 17 by the NAB Bureau of Copyrights, Inc., and the Lang-Worth Feature Programs, Inc. We believe this contract offers the best available plan by which the industry may obtain "tax free" music.

It will be noted that the NAB Bureau remains in existence, with Messrs. John Elmer, John J. Gillin, Jr., and Harold Hough as Directors and Officers, ready to function whenever needed. The Bureau will receive 30% of the money received from those stations now having contracts with the Bureau, which funds will be used for the benefit of the industry.

Believing it is of the utmost importance that every broadcaster be made thoroughly acquainted with the nature and quality of "tax free" music available, every opportunity will be given to broadcasters to inspect the Lang-Worth Library. With this in view, Mr. Wentworth is making a trip through the South and Mr. Langlois will make short trips in the East. Each will call upon as many stations as possible.

If any broadcasters visit New York City, it is suggested they call at the office of Lang-Worth at 420 Madison Avenue.

The success of this plan depends upon the support it receives from broadcasters. I believe its success is of vital importance to the industry, and I urge you to give it your careful consideration.

THE SYNOPSIS

Objective:

The primary objective is the creation of recorded "tax free" music of quality and diversification at minimum cost to station. Transcriptions are to include a substantial percentage of new modern dance music with lyrics. The "Bureau" retains ownership of its property, both material recorded and material heretofore prepared for recording.

Provisions of Contract:

1. (a) Bureau to assign to Lang-Worth its existing Station subscriptions, subject to right in each station (1) to cancel within ninety days, or (2) to arrange for delivery of remaining eighty hours.
    (b) During ninety-day period, station may order not more than thirty hours and then elect to cancel for balance.
    (c) Contracts to be completed from existing Lang-Worth library, no station required to receive more than five hours in any calendar month.
    (d) Price to stations $10 per recorded hour.
    (e) During ninety-day period any station in the United States may subscribe for existing recordings at $10 per hour.
    (f) The eighty hours required to complete contracts to be selected by Lang-Worth subject to the approval of the Bureau.
    (g) Bureau will receive thirty per cent of amount paid on the eighty hours by present Bureau subscribers.
2. Bureau to grant Lang-Worth an exclusive license during term of agreement (5 years) to record Bureau's arrangements and orchestrations of unrecorded material, and to make and sell pressings of the twenty hours now recorded.
    (a) Lang-Worth to use best efforts to sell Bureau's twenty hours to subscribers throughout the world.
    (b) Price of Bureau's 20 hours to stations in United States $10 per hour, and to all other customers at same price charged for Lang-Worth recordings.
    (c) On all sales of Bureau's 20 hours, Bureau to receive fifty per cent of gross sales price after deducting actual cost of pressings.
3. Lang-Worth agrees to prepare and record an additional two hundred playing hours of "tax free" music, including new original dance music with lyrics, of substantially comparable quality, program type and diversification as its existing library. Recording is to be done pursuant to a schedule commensurate with desire of industry to subscribe as reflected by the number of subscribers. The minimum schedule based on 200 subscribers will result in a total of 270 recorded hours by December 31, 1940, and the entire 300 recorded hours by April 1, 1941.
    (a) Price of new recordings to stations in United States to be $10 per playing hour plus increased musicians' costs caused by new A. F. of M. agreement which went into effect last September, and any necessary increased production costs which may later arise.
    (b) Bureau to check Lang-Worth records to determine costs.
4. All subscribers to be protected against copyright infringement suits by insurance policy. Lang-Worth now has policy with Lloyd's and Bureau's recorded twenty hours will be protected under it.
5. Orchestrations, arrangements and piano copies to be available for live talent performance at cost plus ten per cent, subject to the following non-transferable performance licenses:
    (a) If recordings have been purchased, license will be in perpetuity.
    (b) If recordings have *not* been purchased, the license will be for such period of time as determined by Bureau and upon such reasonable terms as are mutually agreeable to Bureau and Lang-Worth.
6. Miscellaneous provisions:
    (a) Bureau has first refusal to purchase Lang-Worth assets in event of bona fide offer by third party.
    (b) Any disputes to be arbitrated.
    (c) Bureau has right to cancel in event of breach.
    (d) Agreement is not assignable by Lang-Worth.

The White Bill

A BILL

S. 1520

To amend the Communications Act of 1934, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 (a) of title I of the Communications Act of 1934 be amended by striking out the whole of said subparagraph and by inserting in lieu thereof the following:

"(a) The offices now held by the present members of the Federal Communications Commission are hereby abolished. The Commission shall be composed of eleven Commissioners appointed by the President by and with the advice and consent of the Senate, one of whom the President shall designate as Chairman. The Commission shall be divided into two divisions of five members each, said divisions to be known and designated as the Division of Public Communications and the Division of Private Communications, and no member appointed to serve on one Division shall have or exercise any duty or authority with respect to the work or functions of the other except as hereinafter provided. The Chairman of the Commission shall not be appointed to either of said Divisions but shall be ex officio and without vote a member of both Divisions. In case of a vacancy in either of said Divisions or the absence or inability of any Commissioner appointed to a Division to serve thereon the Chairman may temporarily serve on either of said Divisions with full powers as a member thereof until the cause or circumstance requiring said service shall have been eliminated or corrected. The Chairman of the Commission shall have the further duties and responsibilities with respect to both Divisions and to the whole Commission which are hereinafter provided."

SEC. 2. Amend subparagraph (b) of section 4 of said title I by striking out the last sentence of said subparagraph and by inserting in lieu thereof the following: "Not more than seven members of the Commission and not more than three members of either Division thereof shall be members of the same political party."

SEC. 3. Amend subparagraph (c) of section 4 of said title I by striking out the whole of the same and by inserting in lieu thereof the following:

"(c) The Commissioners first appointed under this Act shall be assigned and shall continue in office as follows: A Chairman, two years; five members of the Division of Public Communications for terms of two, three, four, five, and six years, respectively; and five members of the Division of Private Communications for terms of two, three, four, five, and six years, respectively, all terms to date from the taking effect of this Act. The Chairman subsequently appointed shall be appointed to serve for a term of six years. All Commissioners other than the Chairman subsequently appointed shall be appointed to serve upon a particular Division for terms of six years: *Provided,* That any person chosen to fill a vacancy shall be appointed only for the unexpired term of the person whom he succeeds. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission."

SEC. 4. Amend subparagraph (d) of section 4 of said title I by striking out the whole thereof and inserting in lieu thereof the following:

"(d) The Chairman shall receive an annual salary of $12,000 and each Commissioner other than the Chairman shall receive an annual salary of $10,000, all salaries to be paid in monthly installments."

SEC. 5. Amend subparagraph (k) of section 4 of said title I by striking out the words, where they appear therein, "that the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this Act as it deems desirable in the public interest: *Provided further*".

SEC. 6. Amend section 5 of said title I by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 5. (a) The Division of Public Communications shall have and exercise jurisdiction over and shall hear and determine all cases or controversies arising under the provisions of this Act or the rules and regulations of the Commission enacted pursuant thereto relating to wire and radio communications intended to be received by the public directly or by the intermediary of relay stations. The term 'cases or controversies' as used herein shall be taken to include all adversary proceedings whether judicial or quasi judicial in nature and whether instituted by the Commission on its own motion or otherwise.

"(b) The Division of Private Commuications shall have and exercise jurisdiction over and shall hear and determine all cases or controversies arising under the provisions of this Act or the rules and regulations of the Commission enacted pursuant thereto relating to wire and radio communications by a common carrier or carriers. The term 'cases or controversies' as used herein shall be taken to include all adversary proceedings whether judicial or quasi judicial in nature and whether instituted by the Commission on its own motion or otherwise.

"(c) The whole Commission shall have and exercise jurisdiction over the assignment of bands of frequencies to the various radio services; over the adoption and promulgation of all rules and regulations of general application required or authorized by this Act, including procedural rules for the Commission and the Divisions thereof; over all matters arising under the provisions of part 2 of title III of this Act, as amended; over all signals and communications of an emergency nature, including distress signals by ships at sea and communications relating thereto, signals and communications by police and fire departments and other like emergent signals and messages; over all signals and communications by and between amateur stations; over the qualification and licensing of all radio operators; and generally over all matters with respect to which jurisdiction and authority is not conferred upon the Division of Public Communications and the Division of Private Communications by subparagraphs (a) and (b) of this section, or with respect to which authority is not conferred by other provisions of this Act. In any case where a conflict arises as to the jurisdiction of the Commission or any Division thereof, such question of jurisdiction shall be determined by the whole Commission. In determining the question of jurisdiction, the Commission shall consider and give effect to the type and character of the communications or facilities involved in the particular matter under consideration or investigation.

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"(d) The Chairman of the Commission shall be the chief executive officer of the Commission. It shall be his duty to preside at all meetings and sessions of the whole Commission, to represent the Commission in all matters relating to legislation and legislative reports, to represent the Commission or any Division thereof in all matters requiring conferences or communications with representatives of the public or other governmental officers, departments, or agencies, and generally to supervise, coordinate, and organize the work of the Commission and each Division thereof in such manner as to promote prompt and efficient handling of all matters within the jurisdiction of the Commission.

"(e) In conformity with and subject to the foregoing provisions of this section, each Division so constituted shall have power and authority by a majority thereof to hear and determine, order, certfiy, report, or otherwise act as to any of said work, business, or functions so assigned to it. Any order, decision, report made, or other action taken by either of said Divisions with respect to any matter assigned to it shall be final and conclusive, except as otherwise provided by said Communications Act of 1934 as hereby amended. The secretary and seal of the Commission shall be the secretary and seal of each Division thereof.

"(f) The term 'Commission' as used in this Act shall be taken to mean the whole Commission or a Division thereof as required by the context and the subject matter dealt with."

SEC. 7. Amend subparagraph (a), section 221, of title II by striking out the word "telephone" wherever the same appears therein and by inserting before the word "companies" where the same appears in said subparagraph the words "common carrier" or "carrier."

SEC. 8. Amend the title to section 221 of said title II by striking out the word "telephone" and by inserting the words "common carrier" or "carrier".

Sec. 9. Amend subparagraphs (b), (c), and (d) of said section 221 of said title II by striking out the letters "(b)" in parentheses, "(c)" in parentheses, and "(d)" in parentheses and by designating said subparagraphs, section 222, subparagraphs (a), (b), and (c), respectively.

Sec. 10. Amend subparagraph (c) of section 307 of title III of said Act by striking out the whole thereof.

Sec. 11. Amend subparagraph (d) of section 307 of title III by striking out the same and by inserting in lieu thereof the following:

"(d) Licenses granted by the Commission for the operation of standard broadcast stations shall be for a term of not less than one year and not more than three years; licenses for any other class of station shall be for terms of not less than one year and not more than five years: *Provided,* That any license granted by the Commission may be revoked or modified as hereinafter provided: *And provided further,* That the Commission may grant licenses for shorter terms in the case of experimental operation or for other good cause shown. In granting applications for renewal of existing licenses the Commission shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

Sec. 12. Amend subparagraph (a) of section 308 of said title III by striking out the words "licenses, renewal of licenses, and modification of licenses" and by inserting in lieu thereof the words "construction permits, licenses or renewals, modifications or assignments of permits or licenses".

Sec. 13. Amend subparagraph (a) of section 309 of said title III by striking out the words "for the renewal or modification of a station license" where these words first appear and by inserting in lieu thereof the words "for any other instrument of authorization required by this Act or the regulations of the Commission promulgated pursuant thereto."

Sec. 14. Amend subparagraph (b) of section 310 of said title III by striking out the words "unless the Commission shall, after securing full information, decide that said transfer is in the public interest and shall give its consent in writing", and by inserting in lieu thereof the words "except upon application to the Commission and upon a finding by the Commission that such transfer or assignment will serve the public interest, convenience, or necessity".

Sec. 15. Amend section 314 of said title III by striking out the whole thereof.

Sec. 16. Amend section 315 of said title III by striking out the whole of the proviso appearing in said section.

Sec. 17. Add to sail title III the following new section:

"Sec. 330. No licensee of any radio broadcasting station shall permit the use of such station for the discussion of any public or political question whether local, State, or national in its scope and application, unless the person or persons using such station shall, prior to such use, disclose in writing and deliver to the licensee the name or names of the person or persons or organization upon whose instance or behalf such broadcast is to be made or conducted. Upon the making of any such broadcast the name of the speaker or speakers using the station together with the other information required by this section, shall be announced both at the beginning and at the end of such broadcast. Public officers speaking as such, whether local, State, or national, and whether elective or appointive, shall be relieved of compliance with the foregoing provisions, but in all cases the licensee shall cause an announcement to be made both at the beginning and at the end of the broadcast, stating the name of the speaker, the office held by him, whether such office is elective or appointive, and by what political unit or public officer such power of election or appointment is exercised. Where more than one broadcasting station or a network of such stations is used as herein provided, the requirements of this section will be met by compliance therewith at the station which originates such broadcast."

Sec. 18. Add to title III the following new section:

"Sec. 331. No licensee of any radio broadcast station shall have the power to censor, alter, or in any way affect or control the political or partisan trend of any material broadcast under the provisions of sections 330 and 315 hereof: *Provided, however,* That no licensee shall be required to broadcast any material which is slanderous or libelous or which might subject the licensee or its station to any action for damages or to a penalty or forfeiture under any local, State or Federal law or regulation. In all such cases the licensee shall have the right to demand and receive a complete and accurate copy of the material to be broadcast a sufficient time in advance of its intended use to permit an examination thereof and the deletion therefrom of any material necessary to conform the same to the requirements of this section, and the Commission shall make rules and regulations to carry this provision into effect."

Sec. 19. Amend section 402 of title IV of said Act by striking out all of the same and by inserting in lieu thereof the following:

"(a) The provisions of the Act of October 22, 1913 (38 Stat. 219), as amended, relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this Act except those appealable to the Circuit Court of Appeals of the District of Columbia under subparagraph (b) and such suits are hereby authorized to be brought as provided in that Act. In addition to the venues specified in that Act, suits to enjoin, set aside, annul, or suspend, but not to enforce, any such order of the Commission may also be brought in the District Court of the District of Columbia.

"(b) An appeal may be taken in the manner hereinafter provided from decisions of the Commission to the Circuit Court of Appeals for the District of Columbia in any of the following cases:

"(1) By any applicant for any instrument of authorization required by this Act or the regulations of the Commission enacted pursuant thereto for the construction or operation of a radio station whose application is denied by the Commission.

"(2) By any applicant for authority to assign or transfer any such instrument of authorization or for authority to transfer control of any corporation holding any such instrument of authorization whose application is denied by the Commission.

"(3) By any other person who was a party to the proceedings before the Commission and who is aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any application described in paragraphs 1 and 2 thereof.

"(4) By the holder of any instrument of authorization required by this Act or the regulations of the Commission enacted pursuant thereto for the construction or operation of a radio station which has been revoked or suspended by the Commission.

"(c) Such appeal shall be taken by filing with said court within thirty days after the decision complained of is effective notice in writing of said appeal and a statement of the reasons therefor together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as a part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington.

"(d) Immediately upon the filing of any such notice of appeal, and in any event not later than five days after the date of such service upon it, the Commission shall mail or otherwise deliver a copy of said notice and statement of reasons therefor to each person shown by the records of the Commission to have an interest in the subject matter of such appeal and to have a right to intervene therein under the provisions of this section. Within thirty days after the filing of said appeal the Commission shall file with the court a copy of the decision complained of together with a full statement in writing of the facts and grounds for its decision as found and given by it, together with a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(e) Within thirty days after the filing of said appeal, any person who was a party to the proceedings before the Commission and who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of may intervene and participate in the proceedings had upon said appeal. Notice of intention to intervene in any such appeal shall include a verified statement showing the nature of the interest of such party in the subject matter of the appeal and must be accompanied by proof of service of true copies of said notice and statement both upon the appellant and upon the Commission.

"(f) The record upon any such appeal shall contain such information and material and shall be prepared within such time and in such manner as the court may by rule prescribe.

"(g) At the earliest convenient time, the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary and capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari upon petition therefor, under section 240, Judicial Code, as amended, by appellant, by the Commission, or by any party intervening in the appeal.

"(h) The court may in its discretion enter judgment for costs in favor or against an appellant and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved in said appeal and the outcome thereof."

SEC. 20. Amend section 405 of said title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"SEC. 405. After a decision, order, or requirement has been made by the Commission or any division thereof in any proceeding, any party thereto or any other person aggrieved or whose interests are adversely affected thereby may petition for rehearing of the same. When the decision, order, or requirement has been made by the whole Commission, the petition for rehearing shall be directed to the whole Commission; when the decision, order, or requirement is made by a Division of the Commission, the petition for rehearing shall be directed to that Division; petitions directed to the whole Commission requesting a rehearing in any matter determined by a Division thereof shall not be permitted or considered. Petitions for rehearing must be filed within thirty days from the effective date of any decision, order, or requirement complained of, and the filing of such a petition shall automatically stay the effective date of any such decision, order, or requirement until after decision on said petition. Rehearings shall be governed by such general rules as the Commission may establish but any decision, order, or requirement made after such rehearing reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order."

SEC. 21. Amend subparagraph (a) of section 409 of said title IV by striking out the whole thereof and by inserting in lieu thereof the following:

"(a) Any member or any qualified employee of the Commission, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpenas, administer oaths, examine witness, and receive evidence at any place in the United States designated by the Commission. In all cass heard by less than a quorum of the Commission or division having jurisdiction thereof, the person or persons conducting such hearing shall prepare and file a report setting out in detail and with particularity all basic or evidentiary facts developed by the evidence as well as conclusions of fact and of law upon each issue submitted for hearing. In all such cases the Commission shall hear oral argument on request of any party to the proceeding and the date for the conduct of such argument shall not be fixed earlier than thirty days after the filing of said report."

Legal

SOUTH CAROLINA APPROVES PHONOGRAPH RECORD, TRANSCRIPTION LAW

The bill introduced in South Carolina (NAB REPORTS, February 3rd, p. 3252-53) has been passed by both houses of the South Carolina legislature, was approved by the Governor on February 17, and now is the law of the state. This statute abrogates all common law rights to restrict or to collect royalties on the commercial use made of recorded performances on phonograph records or electrical transcriptions. It effectively prevents the imposition of restrictions or the requiring of license fees by such organizations as the National Association of Performing Artists which claim a common law copyright in such recordings. A similar bill is now pending before the legislature of North Carolina.

MUSIC MONOPOLY BILL

A bill has been introduced in North Dakota seeking to curb the activities of pools controlling public performance of copyrighted music. Details were not available at the time of going to press, but it is understood that the bill would compel full disclosure with respect to the copyrights coming under various licenses and would prevent a license fee which is based upon any program which does not include music coming under the license. This provision of the proposed legislation as applied to a broadcasting station would prevent the imposition of a license fee on gross income as is required by the present ASCAP general broadcasting license and would compel the issuing of a license similar to that of the present newspaper form, which only required that a percentage of income be paid on programs using ASCAP music. It is understood that the proposed legislation is similar to that now pending before the legislature of Connecticut.

A public hearing on the bill introduced in New Mexico (NAB REPORTS, February 17, p. 3285) will be held today before the House Committee. It already has been passed by the Senate. A hearing on the Connecticut bill (NAB REPORTS, February 3, p. 3232) will be held March 2nd.

Statutes seeking to curb the activities of copyright pools have heretofore been adopted in five states. Bills having the same objective now are pending before the lgislatures of twelve states, and it is reported that strenuous efforts are being made by licensing pools to prevent the spread of such legislation.

LOTTERY

A new game called "NATCO" which is similar to BINGO and which is being offered to broadcasting stations as a copyrighted script has been called to the attention of Headquarters. Details of the game have not been received from its proponents, but such information as is available at the moment indicates that it would violate the provisions of Section 316 of the Communications Act of 1934, which prohibits the broadcasting of any "lottery, gift enterprise, or similar scheme, offering prizes depending in whole or in part upon lot or chance." Stations contemplating such broadcasts should consult their local attorney or communicate with Headquarters.

NEW LEGISLATION

CONGRESS

H. R. 4224 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee.

S. 1520 (Sen. White, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. See NAB REPORTS February 17, p. 3282.

STATE LEGISLATURES

MONTANA:

H. 101 (Public Health Committee) PURE FOOD, DRUGS AND COSMETICS—To prevent the manufacture, shipment, sale and false advertising of foods, drugs, devices and cosmetics. Referred to Public Health and Sanitary Affairs Committee.

NEW YORK:

A. 1213 (Rapp) UNIFORM FOOD, DRUG AND COSMETIC ACT—Enacts a uniform Food, Drug and Cosmetic Act, to prevent adulteration, misbranding and false advertisement of foods, drugs and devices and cosmetics; provides for enforcement by agriculture department unless other state department has supervision of particular violation. Referred to Agriculture Committee.

S. 828 (McNaboe) TAXATION—Taxation of gross receipts. Referred to Taxation Committee.

S. 877 (Bewley) UNIFORM FOOD, DRUG AND COSMETIC ACT—Same as A. 1213, above.

S. 830 (Kleinfeld) WAGES AND HOURS—Same as A. 886. To establish minimum wages and maximum hours and to create machinery for enforcement. Referred to Labor and Industry Committee.

NORTH CAROLINA:

H. 389 (Morris) RADIO TELEGRAPH—POLICE—Providing for the establishment of a private and secret means of communication between police departments and sheriffs' offices in this state and for similar communication through its departments and offices to similar agencies in other states, via radio telegraph, as made available by the Federal Communications Commission. Referred to Appropriations Committee.

OHIO:

S. 134 (Whitney) OPTOMETRY—Provides for the licensing of optometrists, the creation of a state board of optometry, and prohibits solicitation of professional business, either directly or indirectly.

TENNESSEE:

S. 499 (Thomason, et al) PURE FOOD AND DRUGS—Same as H. 664. To prohibit the sale of adulterated or misbranded food, drugs and cosmetics. Referred to Agriculture Committee.

TEXAS:

H. 420 (Leonard) SMALL LOANS—To regulate small loan companies generally, and to limit the charge to 10 per cent including interest and all other charges, with exceptions to be granted by the banking commissioner. Referred to Banks and Banking Committee.

WASHINGTON:

H. 440 (Lindsay) COPYRIGHT LAW—Repealing copyright law. Referred to Judiciary Committee.

WISCONSIN:

A. 336 (Cook, et al.) RADIO INTELLIGENCE—Relates to the creation of a department of radio intelligence and imposes a tax on insurance companies. Referred to State Affairs Committee.

Labor

WAGE AND HOUR LAW

The Wage and Hour Administration's interpretation of Section 7-B-2 of the Act leaves the broadcasting industry without recourse to that section for relief from the overtime provisions.

The Administration has interpreted the section to mean that those employers who have contracts with certified, bona fide labor unions calling for 2,000 hours of work, or less, each year and *guaranteeing a fixed income for the year* can operate more than 44 hours a week without paying time and one-half for overtime.

As far as the NAB can learn, no broadcaster has a union contract of this nature.

The Wage and Hour Administration interpreted the section to give relief to those few firms who do a seasonal business but who guarantee their employees a fixed annual wage. Unless the broadcaster contemplated using any class of employees les than 40 hours a week frequently, there would be no advantage in drawing up a contract that would meet the Administration's ruling.

FCC QUESTIONNAIRE

The NAB Labor Department has asked all members to file at headquarters a copy of their answers to the latest FCC questionnaire dealing with salaries and wages. The individual answers are to be kept confidential, but the information from them will be invaluable in union negotiations. Any member who failed to receive the request should communicate with Headquarters.

SHOTT NEW NLRB DIRECTOR

The National Labor Relations Board has appointed John G. Shott as Regional Director for the Twelfth Region, with headquarters at Milwaukee. The region comprises the State of Wisconsin and 15 counties in northern Michigan. Mr. Shott will assume his duties at Milwaukee on February 23, succeeding Acting Regional Director Frederick P. Mett who will return to his former position of Regional Attorney at the Milwaukee office.

FREE OFFERS

Roy G. Terry, President of the Oil Capitol Broadcasting Corporation (KOCA), Kilgore, Texas, has asked a number of members to help him sell rose bushes on a percentage basis. The NAB advised Mr. Terry that acceptance of his proposition would constitute a violation of the NAB Code of Ethics.

The Anker-Holth Manufacturing Company of Port Huron, Michigan, has asked stations to advertise its cow milkers on a cost-per-inquiry basis. Although the number of copies of the Company's letter which came to the NAB indicated that no one would accept this proposition, the NAB advised the Company that acceptance would constitute Code violation.

The Queen Quality Shoe Company of St. Louis, Missouri, has sent out a shoe fashion script to promote more shoe buying by the ladies. The Company suggested that the local Queen Quality dealer be approached for sponsorship. The NAB advised the Company that either the local dealers or the Company itself should sponsor the program.

The S. H. Cuff Associates, New York City, have asked at least one station to use a script about horse racing which plugs "Track Cracks," a horse race magazine.

Pathfinder Magazine, Washington, D. C., has offered members the privilege of using material from the magazine for news programs in return for a credit line.

MILLER TO PRESIDE AT OHIO RADIO EDUCATION CONFERENCE

With President Neville Miller presiding, the National Association of Broadcasters will direct the opening day's discussion panel of the Tenth Institute for Education by Radio to be held at Ohio State University, May 1, 2 and 3. Other distinguished invited guests include Frank R. McNinch, Chairman of the FCC; H. V. Kaltenborn, CBS commentator; John Royal, Vice President, NBC; and George Gallup, Founder of the American Institute of Public Opinion.

The Ohio State Institute, regarded as perhaps the most important and influential in educational circles, attracts four to five hundred broadcasters, educators and publicists annually.

A feature of each meeting is the American Exhibition of Recordings of Educational Radio Programs. The purpose of the exhibition is to further the broadcasting of valuable educational programs by calling attention to the most meritorious ones of each type.

Headquarters is encouraging broadcasters to enter recordings of their educational programs and to send station representatives. It is desired that a comprehensive picture of the individual station's as well as the industry's contributions to educational broadcasting in the past year be given. Entry blanks have already been sent from Ohio State. Should any station not have received one, address your request to I. Keith Tyler, Ohio State University, and complete details will be forwarded. Closing date for recordings is March 15.

Following is the classification of programs which may be entered in the Recording Exhibition:

CLASSES OF PROGRAMS

In general, programs submitted must be those whose primary purpose is to educate rather than to entertain. Awards will be made for the best of each of seven different program types:

For General Use:

a. Lecture, talk, speech.
b. Demonstration or participation program.
c. dialog, round-table conversation, interview, debate, question and answer.
d. All forms of dramatization.

For Use in Schools:

e. By primary children (approximately Grades I-III).
f. By elementary children (approximately Grades IV-VI).
g. By junior and/or senior high-school pupils (approximately Grades VII-XII).

Each program entered in the exhibit must be entered under on of these program types, but the jury may, if it sees fit, change the class in which a program is entered.

SINGLE PROGRAM IN A SERIES

Contestants may enter as many series as are desired in the exhibit, but only a single program may be entered from any one series. This restriction has been made necessary by the large number of programs which have been entered in the two previous exhibitions. In order to keep the number of entries within the limitations of the time of the judges, only one program may be entered from any series. Exhibitiors, therefore, will need to make their own selection of the program in any series which has greatest merit.

ENTRY CLOSING DATE

All records must be shipped prepaid to the Institute for Education by Radio, Ohio State University, Columbus, Ohio, to arrive on or before March 15, 1939. All programs entered must have been broadcast later than March 15, 1938, and previous to March 15, 1939.

PHYSICAL SPECIFICATIONS FOR RECORDS

All programs must be recorded in entirety for the full time the program is broadcast. The programs need not be recorded directly from the air, however, but may be specially staged for recording purposes. Any type of recording will be acceptable, and the jury will endeavor to consider only the character of the program and not the quality of the recording. Records must be on disks laterally cut at 33 RPM or 7 RPM.

AWARDS AND HONORABLE MENTIONS

The Institute for Education by Radio, upon recommendation from the jury, will make "First Awards" and "Honorable Mentions" on the basis of the seven classes of programs in each of the two major classifications. In general, this provides for fourteen "First Awards" and fourteen "Honorable Mentions." However, the judges may, at their discretion, withhold awards and honorable mentions in those classes in which no programs appear worthy of this recognition. Similarly they may, in unusual circumstances, give more than one "First Award" or "Honorable Mention" in a single class when the programs entered seem to justify such recognition. Programs and organizations receiving awards or honorable mention will be given special notice in *Education On the Air,* the proceedings of the Institute for Education by Radio, which will be published by the Ohio State University in the fall of 1939. The awards will be announced at the 1939 meeting of the Institute, and the programs given awards will be played, so far as time permits, at a special session.

JUDGING COMMITTEE

The final jury on awards will consist of prominent persons selected because of their ability to judge program production, educational objectives, and audience interest.

PROGRAM CODES REQUESTED

The NAB asked all members this week to send to Headquarters as soon as possible a copy of their program code to be used in revising the NAB Code of Ethics. Those stations which do not have codes in printed form were asked to outline by letter their views and practices in this respect.

Neville Miller, NAB President, is about to appoint a committee representative of a cross-section of the industry to study the question of program codes and practices and to report to the next NAB Convention.

Ed Kirby, NAB Public Relations Director, has asked all members to send in ideas for the forthcoming RMA-NAB campaign. Suggestions for institutional copy for the radio programs that will be a part of the campaign, human interest stories, dramatic or humorous consequences of a radio program, etc., were among the things asked for.

NORTH CAROLINA BROADCASTERS ORGANIZE ASSOCIATION

At a meeting in Raleigh February 21, the North Carolina Association of Broadcasters was organized to serve "in the advancement of economic, cultural, educational and civic interests of North Carolina." The meeting opened with a luncheon at which stations WPTF and WRAL were hosts. Thirteen of North Carolina's eighteen licensed stations were represented and Mr. A. J. Fletcher of WRAL, Raleigh, acted as Temporary Chairman.

The following officers were elected: President, Richard H. Mason, WPTF, Raleigh; Vice President, George D. Walker, WAIR, Winston-Salem; Secretary, Fred Fletcher, WRAL, Raleigh; Treasurer, E. J. Gluck, WSOC, Charlotte.

After completion of the preliminaries of organization and the installation of the officers, the remainder of the session was devoted to the discussion of problems relative to the industry. The principal subjects were copyright and proposed legislation pending before the North Carolina legislature. The NAB was represented by Andrew Bennett, Counsel.

Those attending the meeting were:

Bryce P. Beard, WSTP; George T. Case, WRAL; Lincoln Dellar, WBT; R. A. Dunlea, WMFD; Ben Farmer, WGTM; Jack Field, WPTF; A. J. Fletcher, WRAL; Fred Fletcher, WRAL; E. J. Gluck, WSOC; J. F. Jarman, Jr., WDNC; Richard H. Mason, WPTF; E. Johnston Neal, WRAL; Wayne M. Nelson, WMFR; Norris L. O'Neil, WSJS; Talbot Patrick, (New station—no call letters assigned), Goldsboro; Graham Royner, WPTF; George D. Walker, WAIR; H. W. Wilson, WGTM; W. A. Wynne, WEED.

Ralph Wentworth, representing Lang-Worth Feature Programs, Inc., appeared before the meeting and discussed the plans of his company for the creation of additional recorded "tax-free" music in accordance with the agreement entered into with the NAB Bureau of Copyrights.

DISTRICT 11 MEETING

Most of the important problems before the broadcasting industry were discussed February 3 at a District 11 meeting in Minneapolis. Earl Gammons, WCCO, District Director, presided and practically every station in the District was represented.

The NAB Bureau of Copyrights, the FREC fund, self-regulation, copyright, and libel insurance were among the subjects discussed. E. C. Reineke, WDAY; E. L. Hayek, KATE; Wallace Stone, KSOO-KELO; and Gregory Gentling, KROC, were appointed as a committee to nominate a member for the NAB Board of Directors. The next district meeting will be held in May in Rochester, Minnesota.

The following attended:

K. M. Hance, KSTP; Ray C. Jenkins, KSTP; E. H. Gammons, WCCO; Carl J. Burkland, WCCO; C. T. Hagman, WTCN; Lee L. Whiting, WTCN; S. N. Nemer, WMIN; Edward Hoffman, WMIN; E. P. Shurick, WDGY; Burton Paulu, WLB; Gregory Gentling, KROC; Charles A. Kennedy, KYSM; Ray E. Schwartz, KYSM; F. B. Clements, KYSM; A. H. Flaten, KDAL; Harry Hyett, WMFG; L. L. McCurnin, KWNO; M. H. White, KWNO; Fred Schilplin, KFAM; Herbert E. Nelson, KATE; Warner Fidemann, KATE; E. L. Hyek, KATE; Haydon R. Evans, WNAX; Robert Tincher, WNAX; Wallace E. Stone, KSOO-KELO; Daton LeMasurier, KFJM-KOVC; F. E. Fitzsimmonds, KFYR; Bert Wick, KDLR; Barney Lavin, WDAY; Earl Reineke, WDAY.

MONOPOLY HEARING

The FCC turned to regional networks this week in its investigation of monopoly in broadcasting. The Don Lee Network was first on the stand.

February 21

Lewis Allen Weiss, Vice-President and General Manager, told the Commission that the Don Lee Broadcasting System was wholly owned by the Don Lee Holding Company which, in turn, was owned by the estate of the late Don Lee. The sole residuary legatee of the estate was Thomas S. Lee, President of the System, he said. The System owned Stations KHJ, Los Angeles; KFRC, San Francisco; and KGB, San Diego, he said, while the Estate owned all the stock of the Santa Barbara Broadcasters, Ltd., which owned KDB at Santa Barbara. The Don Lee interests owned no part of any other station, he said. Mr. Weiss then described the relationship of the Don Lee Network with CBS, which ended in 1936, and with MBS which still exists. He also discussed Don Lee program and sales policies and explained how the network had withdrawn from the artists' bureau business. Mr. Weiss was closely questioned about the relationship between the network and Don Lee, Inc., an automobile agency. E. C. Page discussed the engineering phases.

KUMA LICENSE REVOKED

Effective April 1, the Federal Communications Commission has revoked the license of KUMA, at Yuma, Arizona. In explanation of this order the Commission on Monday made the following statement:

"The Federal Communications Commission today revoked the license of Radio Station KUMA, Yuma, Arizona.

"The Commission's order states among other reasons that it appears that Albert H. Schermann, holder of a license issued by the Commission, in his application for renewal of station license KUMA, made false statements under oath to the effect that he was in actual control and operation of said station, when in truth and in fact one E. B. Sturdivant was, and at all times since February 1, 1934, had been in actual control and operation thereof.

"The Commission's Order becomes effective April 1, 1939."

WLW APPEALS

The Federal Communications Commission this week denied a rehearing to Station WLW, Cincinnati, in connection with a recent decision of the Commission taking away the station's 500,000 watts experimental license and reducing it to its regular 50,000 watts power.

The Crosley Corporation, owner of the station, immediately filed a notice of appeal from the decision of the Commission in the United States Circuit Court of Appeals for the District of Columbia.

In its appeal to the Court WLW recited the history of the operation of the station since March 2, 1922, and its operation with 500 kw. since April 17, 1934. It referred to the construction permit for the 500 kw. which was obtained on June 7, 1932, and the fact that after the installation of the new transmitter, with the exception of a short period of time in 1935, the station has operated continuously with 500 kw. Upon the application for a renewal of this license in 1938, the matter was set down for hearing upon thirteen grounds which dealt among other things with the character and research of experimentation carried on, the technical, financial, and other qualifications of the applicant to continue the program of research, the effect of the operation of this station upon existing stations within its primary service area, the compliance of the equipment to be used with the Commission's rules and regulations, and whether or not the application will serve public interest, convenience and necessity. After a lengthy hearing, the committee appointed to hear this matter reported to the Commission adversely, but in its opinion referred only to three of the thirteen points originally raised, and on these three points, did not submit findings of fact. On February 8, the Commission itself sustained the committee but in the Commission's finding, it made no reference to any of the thirteen points. The Court is asked to reverse the order of the Commission on the ground that it was the duty of the Commission to make findings of fact and conclusions of law upon the points which the Commission itself had suggested as the issues which the appellant would be required to meet to justify a continuance of this license.

766 STATIONS

Several requests have been received for official figures of the number of licensed stations in the United States. We publish the figures here for the benefit of the entire membership.

As of January 1, 1939, there were 722 broadcasting stations licensed by the FCC to operate in the United States and its territories. Construction permits had been granted for the erection of 42 new stations at that time. The FCC had therefore provided for the eventual operation of 764 stations.

During the month of January the FCC issued licenses for five new stations, bringing the total of licensed stations to 727 as of February 1st, 1939. The Commission granted construction permits for two new stations to be built. The count of such construction permits was 39. The count of stations operating and under construction was 766 on February 1.

EUROPEAN BROADCAST CONFERENCE

A broadcasting conference has been called for March 1 at Montreux, Switzerland. Announcing this and the participation in it by the United States the State Department this week made the following statement:

> This Government has accepted the invitation of the Swiss Federal Council to be represented at the European Broadcasting Conference which will convene at Montreux, Switzerland, on March 1, 1939, pursuant to an agreement concluded at the International Telecommunications Conference held at Cairo in 1938. The discussions at the Conference will include questions pertaining to the correlation of European broadcasting frequencies and the mobile maritime services.
>
> The President has approved the designation of Commander J. F. Farley, Chief Communications Officer, United States Coast Guard, as this Government's representative at the forthcoming meeting.

FCC CHECKS DEVIATIONS

During January, the Federal Communications Commission made broadcast measurements for 708 stations and 50 stations were not measured.

Of those measured, 622 had a maximum deviation within 0-10 cycles 76 stations with a deviation within 11-25 cycles; 9 stations 26-50 cycles; and 1 station with deviation of over 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of WCOP, **Boston,** for modification of license to change its frequency from **1120 kilocycles** to **1130 kilocycles,** and to increase its hours of operation from daytime only to sunset at Salt Lake City, without changing its 500 watts power.

In its decision the Commission stated that "there is shown to be some public need for the additional hours of operation requested but the expected limitation will make it impossible for Station WCOP to serve that need. Operating as proposed, Station WCOP will limit the service of Station WOV to a substantial degree during the fall and early winter months." It was found that the modification of the station's license would not serve public interest.

The application of the Food Terminal Broadcasting Company to erect a new station at **Cleveland, Ohio,** to operate on **1500 kilocycles,** 100 watts, daytime only, was denied by the Commission. Commissioners Brown and Walker dissented and Chairman McNinch and Commissioner Payne did not participate.

In connection with its decision, the Commission said "the frequencies available for assignment to broadcast stations being limited, public interest would be best served by an allocation of facilities to those who will, where need exists, render a broad, general public service. No need exists for an additional station in the area which would be served upon the basis of program service intended to be rendered by the applicant."

Commissioner Walker issued a dissenting opinion in which he stated that "I believe a need has been shown for the broadcasting service proposed."

The Commission (McNinch, Chairman, Brown and Sykes, Commissioners, dissenting), denied petitions for rehearing filed by the West Texas Broadcasting Company, **Wichita Falls, Texas,** the Journal Company (WTMJ), **Milwaukee, Wisconsin,** the motion for rehearing filed by the Tri-State Broadcasting System, Inc. (KTBS), **Shreveport, La.,** and granted the motion of Faith Broadcasting Company, Inc., **Wichita Falls, Texas,** to withdraw its application, subject to the provisions of Section 15.18 of the Commission's Rules of Practice and Procedure, and ordered that the facts found and stated be amendatory of and supplemental to the facts found and stated in the decision of the Commission heretofore rendered herein.

This matter involves the applications of West Texas Broadcasting Company, the Wichita Broadcasting Company, and Faith Broadcasting Company, Inc., to establish a new station in Wichita Falls, Texas.

On June 28, 1938, the Commission rendered its decision in re Examiner's Report No. 1-435, denying the application of West Texas Broadcasting Company for a CP to operate on 1380 kc, 1 KW, Unlimited time; the application of Faith Broadcasting Company, Inc., to operate on 1380 kc, 1 KW, 5 KW-LS, Unlimited time, and granted the application of Wichita Broadcasting Company to establish a new station using 620 kc, 250 watts, 1 KW-LS, Unlimited time. The applications of C. C. Baxter (KFPL) Dublin, Texas, for Voluntary Assignment of License to WFTX, Inc., and the application of WFTX, Inc. (KFPL), Wichita Falls, to change frequency from 1310 to 1500 kc, and power from 100 watts (CP 250 watts) to 100 watts, 250 W-LS, were dismissed with prejudice.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, February 27. They are subject to change.

Monday, February 27

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Company, Port Huron, Mich.—Modification of license, **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.

Tuesday, February 28

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Illinois.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

Thursday, March 2

Oral Argument Before the Commission

Examiner's Report No. I-757:

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—C. P., **920 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—S. M. Sifers, S. I. Sifers and E. I. Sifers, d/b as The South Nebraska Broadcasting Co., Hastings, Nebr.—C. P., **920 kc.**, 1 KW, 5 KW LS, unlimited time (DA for day and night).

Examiner's Report No. I-761:

NEW—J. Samuel Brody, Sumter, S. C.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

WIS—Station WIS, Inc., Columbia, S. C.—For special experimental authorization for a satellite station, **560 kc.**, 10 to 100 watts; time: LS to sunrise at Sumter, synchronously with WIS.

Examiner's Report No. III-37:

WAY—Thorne Donnelley, Lake Bluff, Ill.—C. P. for additional transmitter and frequencies **2738, 6470, 6480, 8550 kc.**, 400 watts, emission A-3, unlimited time (Pts. of comm. with ships). Present assignment: **2514 kc.**, 400 watts, emission A-3, unlimited time (Pts. of comm. with ships on Great Lakes).

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

April 10

WDAN—Northwestern Publishing Co., Danville, Ill.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.

April 11

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.**, 100 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, daytime.

April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 kc.**, 100 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted amended C. P. authorizing increase in night power from 500 watts to 1 KW, employing directional antenna system for nighttime operation on **890 kc.**, 1 KW day, unlimited time.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted extension of special experimental authorization to operate regular broadcast transmitter for the experimental transmission of facsimile signals from 1 to 6 a. m., using 1 KW power, for the period March 1 to September 1, 1939.

National Broadcasting Co., Inc., New York City.—Granted authority to transmit via RCA Communications, Inc., programs originating in NBC's studio at 30 Rockefeller Plaza, New York, or any points in the United States where network programs may originate, to Cuban Station CMX, Havana, Cuba.

W8XKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted modification of license to reduce the authorized power without new construction from 150 to 50 watts, in high frequency broadcast station.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WPTF—WPTF Radio Co., Raleigh, N. C.—Set for hearing, to be heard before the Commission, application for C. P. to install new equipment, increase power from 5 KW to 10 KW, employing DA system for nighttime operation. (Application designated for hearing to determine if interference might result to existing stations.)

KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Set for hearing, to be heard before the Commission, application for modification of license to increase night power from 100 watts to 250 watts. (Application designated for hearing because request violates Rule 121.)

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Set for hearing application for renewal of television experimental license, and granted temporary license subject to whatever action may be taken by the Commission upon renewal application. (Application designated for hearing since the applicant appears to be using equipment behind the present state of the art.)

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGFX, Pierre, S. Dak.; KGHL, Billings, Mont.; KHQ, Spokane, Wash.; KLZ, Denver, Colo.; KPOF, Near Denver; KVOD, Denver; WCOC, Meridian, Miss.; WEEI, Boston, Mass.; WGBF, Evansville, Ind.; WIS, Columbia, S. C.; WKY and auxiliary, Oklahoma City, Okla.; WMMN (auxiliary), Fairmont, W. Va.; KFNF, Shenandoah, Iowa; WPEN and auxiliary, Philadelphia, Pa.; WREC, Memphis, Tenn.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Present license extended on a temporray basis only pending receipt of and determination upon application for renewal, but for a period not longer than April 1, 1939.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla. —Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Present license extended on a temporary basis only, pending determination upon application for renewal, but for a period not longer than April 1, 1939.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted renewal of license on a temporary basis only subject to whatever action may be taken upon application for renewal and transfer of control.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted temporary extension of authority to transmit program to Station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport, through the facilities of the American Tel. and Tel. Co., subject to whatever action may be taken by the Commission upon Mutual's pending application for extension of said authority.

W5XN—Tulsa Broadcasting Co., Inc., Portable-Mobile, Tulsa, Okla.—Granted renewal of relay broadcast (exp.) station license until further order of the Commission, but in no event later than December 1, 1939, upon an experimental basis only subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W8XIG—The Evening News Assn., Portable-Mobile, Detroit, Mich.—Present relay broadcast (exp.) station license further extended on a temporary basis only to April 1, 1939, pending determination upon application for renewal of license.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile, Tallahassee, Fla.—Present relay broadcast station license further extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W3XPF—Farnsworth Television Inc. of Pennsylvania, Springfield, Pa.—Present television broadcast (exp.) station license further extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W8XE—Radio Air Service Corp., Cleveland, Ohio.—Present facsimile broadcast (exp.) station license extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W8XUF—Sparks-Withington Co., Jackson, Mich.—Present facsimile broadcast (exp.) station license extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Present facsimile broadcast (exp.) station license extended upon a temporary basis only to April 1, 1939, pending determination upon application for renewal.

MISCELLANEOUS

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (March 5:45 p. m., CST) to conclusion of basketball games, on March 2, 3, 4, 11, 18, 25, using 100 watts power.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.**, using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (Feb. 5:30 p. m. and March 6:15 p. m., PST) for the period February 22 to March 23, 1939.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period February 22 to March 23.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 7:30 to 10 p. m., EST, on February 20, in order to broadcast non-commercial movie-quiz contest.

WBLY—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate from local sunset (Feb. 6:15 p. m., EST) to midnight on Feb. 19, in order to broadcast special program dedicating new studios of station.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m., CST, and from 2 to 4 p. m., CST, on March 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30, from 9:15 p. m. to 10:30 p. m., CST, on March 9, and from 8 to 10 p. m., CST, on March 10, in order that WNAD may broadcast special educational programs (provided KGGF remains silent).

KGGF—Powell and Platz, Coffeyville, Kans.—To remain silent on the above dates in order that WNAD may broadcast special educational programs.

National Broadcasting Co., New York City.—Granted special temporary authority to transmit network programs to Havana, Cuba, for rebroadcast on standard broadcast station CMX operating on **1260 kc.**, with approximately 4 KW power, antenna directive to the east (pending action on NBC application to deliver network programs to Cuba), for a period of 30 days, in order to continue service to Havana listeners heretofore provided by station CMQ, which service has been suspended because of interference caused by recent changes made by station CMQ.

NEW—Patrick Henry Broadcasting Co., Martinsville, W. Va.—Granted petition to intervene in the hearing on the application of the Martinsville Broadcasting Co., Martinsville, W. Va., for a new station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted petition for continuance of 30 days the hearing now scheduled for March 10, 1939, on application for modification of license to change assignment from **1500 kc.**, 250 watts daytime, to **1500 kc.**, 100 watts night, 250 watts day, unlimited.

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted motion to receive depositions in evidence offered at hearing on January 24, 1939, in re application for C. P. to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Copper Country Broadcasting Co., Hancock, Mich.—Granted petition for order to take depositions in re application for C. P. for new station to use **1370 kc.**, 100 watts night, 250 watts day, specified hours, and the facilities in part of WHDF.

NEW—Copper Country Broadcasting Co., Hancock, Mich.—Granted petition to accept respondent's answer in re application of Upper Michigan Broadcasting Co., Calumet, Mich. (WHDF), for renewal of license and modification of license to change hours from specified to unlimited, on **1370 kc.**, 100 watts, 250 watts LS.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted motion to amend application so as to request increase in power to 1 KW night, 5 KW day, on **1050 kc.**

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Granted applicant's motion to amend application for television station, to request 1000 watts power for both oral and visual transmitters, and certain necessary changes in transmitter equipment and changes in program of research, and hearing date of March 29, 1939, cancelled.

NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Granted petition to intervene in the hearing on the application of Southern Oregon Broadcasting Co., Grants Pass, for a new station to operate on **1310 kc.,** 100 watts, unlimited time.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to permit late appearance in re application for renewal of license. Also granted petition to continue hearing, now scheduled for February 27, 1939, to a new date to be set by Docket Section, on application for renewal of license—**1290 kc.,** 100 watts, daytime.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to rebroadcast special Army Preparedness Day program featuring rebroadcast from Army Plane 7408, using **4220 kc.,** on February 19.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted extension of special temporary authority to conduct equipment test for the use of 5 KW power during daytime hours for the period February 20 to March 21, in order to eliminate interference from other radio stations and inclement weather conditions experienced in conducting tests during the regularly authorized testing period.

WKAR—Michigan State College, East Lansing, Mich.—Granted special temporary authority to rebroadcast Naval Observatory time signals over station WKAR, provided station complies with requirements of Naval Observatory Station, for the period February 18 to August 1, 1939.

Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted modification of C. P. and license for same covering changes in transmitter and antenna, frequencies **42000-56000 kc.,** 50 watts for visual and aural transmitters; to communicate as a television broadcast station in accordance with Rules 1031, 1033 and 1034. Hours, 12 midnight to 9 a. m., EST.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning February 21 and ending March 22, pending Commission action on license application to use station KWLC's transmitter and move KGCA studio.

W6XB—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate experimental relay broadcast station W8XB on the frequencies **31.22** and **37.02 megacycles** in lieu of present assignments **31.1** and **37.6 megacycles,** for the period ending no longer than March 20, pending adjustment of relay broadcast frequency assignments above **30 megacycles** and contemplated by General Order No. 19.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN as licensed for the period February 18 to March 19, to retransmit the transmission from general experimental station W2XCR, in connection with certain demonstrations and research being carried on by the two stations in the field of frequency modulation.

Estelle P. Chapman, et. al. (Transferor), W. M. Liddon (Transferee), Muscle Shoals City, Ala.—Granted motion on behalf of transferror and transferee, made at the hearing on January 24, 1939, authorizing dismissal without prejudice of the application to transfer control of Muscle Shoals Broadcasting Co. (WMSD), Muscle Shoals City, Ala., from Estelle P. Chapman, et al., to W. M. Liddon.

WORL—Broadcast Service Organization, Inc., Boston, Mass.—Denied petition to delay the rendering of Commission's decision in re application for C. P. to install directional antenna for nighttime use, and increase day power from 500 watts to 1 KW, until after final determination by the Commission of the application of Station WPEN at Philadelphia.

NEW—Hunt Broadcasting Assn., Greenville, Texas.—Ordered that the Hunt Broadcasting Assn., show cause within 20 days after effective date of this Order (February 21, 1939), by written answer duly verified, why the Commission should not revoke the C. P. for a new station to operate on **1200 kc.,** with 100 watts, daytime only, which was granted May 18, 1937, since the Commission has been informed of the death on June 29, 1938, of one of the partners, Fred E. Horton, whereby the partnership has become dissolved, since it appears the Hunt Broadcasting Assn. is a common law partnership with no provision of succession in its Articles of Association.

WDAN—Northwestern Publishing Co., Danville, Ill.—Granted petition to reconsider and grant without hearing the application for modification of license seeking authority to operate nighttime with 100 watts in addition to its present operating assignment of 250 watts, daytime, on frequency **1500 kc.**

KGCI—Clarence A. Berger and Saul S. Freeman, Coeur D'Alene, Idaho—Retired to the closed files, and deleted call letters KGCI, the application for a new station to operate on **1200 kc.,** 100 watts, daytime, since the Commission denied as in case of default application for modification of C. P. to extend commencement and completion dates in this case.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted modification of C. P. extending commencement date to 4-15-39 and completion date to 8-1-39.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted modification of C. P. extending completion date from March 15 to September 15, 1939.

W3XEO—WCAU Broadcasting Co., Portable-Mobile (Area of Philadelphia, Pa.)—Granted modification of license to reduce authorized power in experimental relay broadcast station, without new construction, from 50 watts to 6 watts. This modification of license is granted on an experimental basis only, conditionally.

W9XAP—National Broadcasting Co., Inc., Chicago, Ill.—Granted license on an experimental basis only, authorizing changes in equipment and local move of experimental relay station; frequencies **31100, 34600, 37600** and **40600 kc.;** 50 watts.

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted modification of C. P. approving transmitter and studio sites, installation of vertical radiator and new equipment in new broadcast station.

W10XWA—Westinghouse E. and M. Co., Portable-Mobile (Area of Boston, Mass.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 500 watts to 50 watts.

W10XWB—Westinghouse E. and M. Co., Portable-Mobile (Area of Phila., Pa.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 500 watts to 50 watts.

W10XWC—Westinghouse E. and M. Co., Portable-Mobile (Area of Phila., Pa.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 500 watts to 50 watts.

W10XWD—Westinghouse E. and M. Co., Portable-Mobile (Area of Boston, Mass.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 50 watts to 15 watts.

W10XWF—Westinghouse E. and M. Co., Portable-Mobile (Area of Pittsburgh, Pa.)—Granted modification of license on an experimental basis only, conditionally, to reduce authorized power in experimental relay station without new construction, from 50 to 15 watts.

W10XEI—Westinghouse E. and M. Co., Portable-Mobile (Area of Springfield, Mass.)—Granted modification of license on an experimental basis only, conditionally, authorizing reduction of power in experimental relay broadcast station without new construction, from 150 to 50 watts.

W1XKB—Westinghouse E. and M. Co., Portable-Mobile (Area of East Springfield, Mass.)—Granted modification of license on an experimental basis only, conditionally, authorizing reduction of power in experimental relay broadcast station without new construction, from 500 watts to 50 watts.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from local sunset (March 6:15 p. m., PST), to 11:00 p. m., PST, March 3, 10, 11, 13, in order to broadcast University basketball games.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (March, 6:30 p. m., CST) to 9 p. m., CST, on March 5, 12, 19, 26, in order to broadcast Sunday Evening Church Services.

KSFM—National Broadcasting Co., Portable-Mobile.—Granted extension of special temporary authority to operate Relay Broadcast Station KSFM, aboard Boeing Seaplane "YAN-

KEE CLIPPER" on the frequency **4797.5, 6425, 8655, 12862.5** and **17310 kc.**, in addition to the normal licensed frequencies for the period February 27 to March 28, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from California to New York and Europe and return. Program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC networks.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P., on frequency of **43000 kc.**, with power not to exceed 100 watts, for the period beginning March 11 and ending no later than April 9, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 500 ft. mast.

W5XN—Tulsa Broadcasting Co., Inc. (Tulsa, Okla.), Portable-Mobile.—Granted C. P. and license on an experimental basis conditionally, authorizing changes in equipment and reduction in power from 10.5 watts to 5 watts, in experimental relay broadcast station.

W2XH—General Electric Co., Schenectady, N. Y.—Granted license on an experimental basis only conditionally, for visual broadcast station; frequencies **42000-56000 kc.**, experimental; visual transmitter, 40 watts.

WBAO—Bamberger Broadcasting Service, Inc., Portable-Mobile (Newark, N. J.)—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**; 30 watts.

WAHL—Paducah Broadcasting Co., Inc., Portable-Mobile, Paducah, Ky.—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**; 40 watts.

W4XHY—St. Petersburg Chamber of Commerce (St. Petersburg, Fla.), Portable-Mobile.—Granted license on an experimental basis only, for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis only, conditionally; 2 watts.

W5XFV—KUOA, Inc. (Siloam Springs, Ark.), Portable-Mobile.—Granted license on an experimental basis only, for new experimental relay broadcast station; frequencies **100,000, 200,000, 300,000** and **500,000 kc.**, on an experimental basis; 7.5 watts.

W5XFW—KUOA, Inc. (Siloam Springs, Ark.), Portable-Mobile.—Granted license on an experimental basis only, for new experimental relay broadcast station; frequencies **100,000, 200,000, 300,000** and **500,000 kc.**, on an experimental basis; 0.3 watts.

W9XBS—National Broadcasting Co., Chicago, Ill.—Granted license on an experimental basis only, conditionally, authorizing changes in equipment, move of transmitter locally, and increase in power from 50 to 100 watts.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted license to cover C. P. for auxiliary transmitter.

APPLICATIONS FILED AT FCC

1060 Kilocycles

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Construction permit to install directional antenna for night use.

1110 Kilocycles

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—License to cover C. P. (B2-P-1560) to move transmitter, increase power, install new transmitter and directional antenna for day and night.

1200 Kilocycles

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of construction permit (B2-P-241) as modified for new transmitter, antenna, increase in power and move of transmitter, requesting extension of completion date from 3-7-39 to 7-17-39.

WFTC—Jonas Weiland, Kinston, N. C.—License to cover construction permit (B3-P-2195) for new antenna and move of studio and transmitter.

1210 Kilocycles

WGNY—Peter Goelet, Newburgh, N. Y.—Modification of construction permit (B1-P-1822) for equipment changes, increase in power, change in frequency and hours of operation, requesting further equipment changes and extension of commencement and completion dates 30 and 90 days, respectively.

NEW—J. Cecil Bott, H. L. McCracken, Matilda Lannen and Nettie Bott, d/b as The Western Broadcasting Company, Cheyenne, Wyo.—Construction permit for a new station on **1210 kc.**, 100 watts night and 250 watts day power, unlimited time.

1260 Kilocycles

WTOC—Savannah Broadcasting Company, Inc., Savannah, Ga.—Modification of construction permit (B3-P-1764 as modified for changes in transmitter and antenna, increase power, move transmitter, requesting an extension of completion date from 3-19-39 to 9-19-39.

1310 Kilocycles

WROL—Stuart Broadcasting Corporation, Knoxville, Tenn.—Modification of construction permit (B3-P-2250) for new transmitter, requesting authority to install vertical antenna and make changes in equipment, and move transmitter from 524 S. Gay St. to 201 Randolph St., Knoxville, Tenn., change commencement and completion dates from 1-1-39 and 7-1-39 to 10 days after grant and 60 days thereafter, respectively.

1340 Kilocycles

WFEA—New Hampshire Broadcasting Company, Manchester, N. H.—Authority to determine operating power by direct measurement of antenna power.

1370 Kilocycles

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Modification of construction permit (B4-P-1634) for change in frequency, new transmitter, increase power, install directional antenna for night use, move transmitter, further requesting changes in transmitting equipment and antenna, extend commencement and completion dates from 11-23-38 and 5-23-39 for 30 and 120 days respectively.

1500 Kilocycles

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit to move transmitter from 12897 Woodward Ave., Highland Park, Michigan, to 30 West Webb Ave., Highland Park, Mich., and install new antenna. Amended: Make changes in antenna and give transmitter site at 15555 Woodrow Wilson Ave., Detroit, Mich.

MISCELLANEOUS

Columbia Broadcasting System, Inc., New York, N. Y.—Authority to transmit programs to a foreign station, CMCK, Havana, Cuba, from Columbia Broadcasting System, Inc. (WABC), 485 Madison Ave., New York, N. Y., and other points throughout the U. S. where licensee maintains studios. Period—1 year beginning February 22, 1939.

NEW—The Crosley Corporation, Cincinnati, Ohio.—Construction permit for a new television station on frequency band **50000-56000 kc.**, power, visual and aural, 1 KW, Emission A3 and A5, transmitter located at corner Vine and Fifth Sts., 48th floor Carew Tower.

W9XZV—Zenith Radio Corporation, Chicago, Ill.—License to cover construction permit (B4-PVB-3) for a new television station.

NEW—Owen Franklin Neel, Eaton, Colo.—Construction permit for a new television broadcast station in Eaton, Colo., on **42000, 42100, 42500 kc.**, 50 watts power, A3 emission.

NEW—WBEN, Inc., Buffalo, N. Y.—License for a new facsimile broadcast (experimental) station, utilizing the equipment of high frequency broadcast station W8XH, on frequencies **31600, 35600, 38600, 41000 kc.**, 100 watts power, A-4 emission.

WHBL—Press Publishing Co., Sheboygan, Wis.—License to cover construction permit (B4-P-1320) as modified for new equipment and increase in power.

NEW—World Peace Foundation, Abraham Binneweg, Jr., Oakland, Calif.—Construction permit for a new international broadcast station to be located in Oakland, Calif. (near 4700 Daisey St.), on **6040, 9510, 11890 kc.**, 5 KW power, emission A3.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Carlysle Service—See Supreme Manufacturing Company.

Evans Novelty Company—Mitchell A. and Jacob L. Bazelon, trading as Evans Novelty Company and as Premium Sales Company, 946 Diversey Parkway, Chicago, are alleged to have sold radios and other articles of merchandise by means of a punch board device supplied to dealers. The complaint describes the plan as follows: Sales were 5 cents a punch, each punch being numbered. The board was divided in two, one section containing approximately 1440 punches and the other, known as the jackpot, 75 punches. Certain specified numbers punched from the larger section entitled the purchaser to punch a number in the jackpot. A number obtained in the jackpot entitled the purchaser to a prize, depending upon the punch selected. Prizes were $5, $1, 50 cents, 25 cents, 10 cents, or the radio as a grand prize. They were awarded wholly by lot or chance, it is alleged. (3711)

Harry Gemson—Charging misleading representations in the sale of outer garment materials, cloth and allied products, a complaint has been issued against Harry Gemson, a commission agent, 450 Seventh Ave., New York.

The complaint alleges that representations were by means of labels and in advertisements to the effect that certain garment materials and cloth were made in whole or predominant part of camel's hair, when this was not true, and the cloth sold contained only approximately 10 per cent genuine camel's hair. (3716)

Gibson-Thomsen Co., Inc.—See S. H. Kress & Company.

S. H. Kress & Company—A complaint has been issued charging Gibson-Thomsen Co., Inc., and S. H. Kress & Co., both of New York, with misleading representations in the sale of tooth brushes, the handles which were made in Japan.

On tooth brush handles imported from Japan, Gibson-Thomsen Co., Inc., is alleged to have obscured and obliterated the word "Japan" marked thereon. The respondents jointly caused such tooth brush handles to be marked "Kress, U. S. A.," according to the complaint.

The sale of tooth brushes so marked allegedly tended to deceive buyers into believing that they were purchasing products made entirely of domestically produced material, for which there is a well-known public preference. (3714)

Marvo Manufacturing Company—See Supreme Manufacturing Company.

Nacor Medicine Company—A complaint charging false and misleading representations in the sale of a medicine has been issued against Nacor Medicine Company, State Life Building, Indianapolis.

The respondent Company is charged with falsely advertising that its products, "Nacor" and "Nacor Kaps," constitute a cure, remedy or effective treatment for asthma, asthmatic paroxysms and bronchial irritations. These preparations, according to the complaint, do not constitute such a cure, remedy or treatment, and furnish only palliative relief for asthmatic paroxysms and bronchial irritations. (3715)

Ovrhaul Company—A complaint has been issued against B. L. Mellinger, trading as Ovrhaul Company 3706 Broadway, Kansas City, Mo., charging misleading representations in the sale of Ovrhaul, advertised as a reconditioner of worn automobiles and as a saver of gas and oil.

Through periodical advertisements, the respondent is alleged to have made representations misleadingly exaggerating the efficiency of his product and the amount of money that may be earned by distributors thereof.

Among misleading representations alleged to have been made by Mellinger, are that he will give one sample of Ovrhaul free to persons becoming distributors thereof; that fortunes can be quickly made with Ovrhaul; that tremendous sales and big profits are possible; that Ovrhaul is a new, scientifically approved product; that its use makes new rings and rebores unnecessary and brings back "new car" pep, power and quietness, checking piston slap and oil pumping. (3713)

Peerless Manufacturing Company—See Supreme Manufacturing Company.

Premium Sales Company—See Evans Novelty Company.

Richard Rosebury Organization, Inc.—Alleging misleading representations in the sale of magazine subscriptions, a complaint has been issued against Richard Rosebury Organization, Inc., a corporation, and Richard W. Rosebury, directing head of the corporation, 522 Fifth Ave., New York.

In seeking subscriptions for various magazines, the respondent's solicitors are alleged to represent to prospective subscribers that they will receive two or more designated magazines at the price and for the period stated by the solicitor.

The solicitor is alleged to exhibit to the prospective subscriber and to deliver to him if he subscribes, a printed form acknowledging receipt by the respondent of the amount paid by the subscriber.

This receipt, however, according to the complaint, actually names but one magazine, although it is printed in such a manner that it appears on quick reading that the subscriber is to receive two or more magazines. It is alleged that in some instances subscriptions are not even forwarded to a magazine publisher and the subscriber receives no magazine. (3710)

Supreme Manufacturing Company—C. C. Johnson, 1014 City National Bank Building, Omaha, Nebr., has been served with a complaint charging misleading representations in the interstate sale of his product, a preservative or mending powder for silk hosiery and lingerie. Johnson trades under the names of Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company.

In the sale of his products under the trade names of Supreme, Marvel, Marvo and Peerless, Johnson is alleged to have made representations to the effect that his preparation prevents runs and snags, rotting and fading in hosiery, that it strengthens the heels and toes, that the life of silk hosiery and lingerie is preserved due to the quality of the respondent's product, and that the public generally are saved approximately 50 per cent of silk hosiery and lingerie cost. The complaint charges that these representations are false and misleading in that the product will not accomplish the results claimed.

A further representation that the respondent is a manufacturer, is also not in accord with the facts, it is charged. (3712)

Teeterbabe Company—Kersh A. Smith, trading as Teeterbabe Company of Colorado, 4714 Clay St., Denver, is alleged to have sold electric irons, toasters, cameras, electric mixers and other novelty articles by means of a plan involving use of pull cards. Purchasers who selected a certain feminine name from a pull card received prizes wholly by lot or chance, it is alleged. (3709)

STIPULATIONS

The Commission has entered into the following stipulations:

Chicago Portrait Company—See Fine Arts Association.

William Cooper & Nephews, Inc., 1909 Clifton Ave., Chicago, stipulates that in the sale of Pulvex Flea Powder it will cease publishing representations containing comparisons of the efficacy of its currently and previously manufactured products unless clearly indicating in direct connection therewith that the comparisons refer to those products. The respondent's representation that its preperation "kills fleas 100 per cent faster" or "in one-half the time formerly required" implied that the preparation is 100 per cent more efficacious than competing products, according to the stipulation. The respondent admitted that it had not always qualified such claims so as to indicate that the comparisons referred to its own product as currently and as previously manufactured under the same trade name. (02318)

Covert Baking Company—Arthur W. and Nell Covert, trading as Covert Baking Company, Fifth and Williams Sts., Middleport, Ohio, engaged in the bread baking business and in the interstate sale and distribution of bread and soft drinks, agree to cease using any plan for promoting the sale of their products to the ultimate consumer which involves a gift enterprise or lottery whereby cash or its equivalent is given or offered as a prize for or in consideration of the purchase of any other article. (2395)

Fine Arts Association, 509 South Wabash Ave., Chicago, has entered into a stipulation as a result of which it undertakes to effect reforms designed to ban misleading practices heretofore resulting in misunderstanding and confusion in the interstate sale of tinted or colored enlargements of photographs and frames therefor.

The Fine Arts Association is understood to be a subsidiary of the Chicago Portrait Company of the same Chicago address, a pioneer organization in connection with the history and development of this industry. (2393)

Loren Murchison & Co., Inc., 40 Clinton St., Newark, N. J., a corporation jobber of school jewelry, medals and trophies, stipulates that it will cease the practice of exhibiting, through its authorized agents or otherwise, rings of 10K solid gold and at the same time representing that it will deliver rings as ordered according to sample, when such agreement is not performed. The respondent also stipulates that it will discontinue representing that a ring offered for sale is solid gold or of 10K quality, when in fact the ring delivered to the purchaser has but a shell of gold enclosing a core of base metal or is not composed throughout of a gold alloy of 10K fineness or better. The respondent also agrees to stop representing itself to be a manufacturer of rings or other merchandise when such is not the fact. (2394)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Bonwit Teller, Inc., New York department store, has been ordered to cease and desist from misleading representations in the sale of fabrics and women's wearing apparel.

The order directs that the respondent cease using the word "satin" or "crepe" or other words of similar meaning to describe fabrics or products not made entirely of silk, unless the descriptive words are employed truthfully to designate the type of weave or construction in which case they shall be qualified by use in immediate connection therewith of words in conspicuous type clearly describing the constituent fibers or materials of the product or fabric.

Under the order, the phrase "silk rayon" is not to be used to describe fabrics, wearing apparel or other like merchandise, provided, however, that in the case of mixed fabrics containing silk and rayon, the fibers or materials of such fabrics or apparel shall be described in the order of their predominance by weight, beginning with the largest single constituent. (3499)

Chicago Mattress Company—Trading as Chicago Mattress Company, Jacob Sherman, 1500 West Roosevelt Road, Chicago, has been served with an order requiring cessation of unfair practices in the sale of his products.

Sherman is ordered to cease representing that mattresses made from second-hand and used materials, in whole or in part, are new or are composed of new materials. The order prohibits this representation directly or through failure to attach tags or labels clearly and conspicuously showing that the products are made wholly or partly, as the case may be, of second-hand and used materials. (3324)

Gersten Bros.—An order has been issued to cease and desist from misrepresentations in the advertising and sale of allegedly moth-proof storage receptacles and devices, and preparations intended to protect articles stored therein from moth damage.

The respondents are Mortimer Alfred Gersten and Lee Gersten, trading as Gersten Brothers, 516 West 34th St., New York.

In advertisements and in the sale of storage receptables, closets and chests to wholesale and retail dealers handling their products designated "Cedarol Chests," "Cedarol Closets," "Mothadors," and "Cedarol Closet Moth Proofers," with enclosed moth fumigants the respondents, according to finding, claimed the receptacles were a protection against the ravages of moths.

The storage receptacles sold by the respondents were found to be of loose construction, not air-tight, which is a necessity against the ingress of moths, and not constructed of red cedar.

The respondents were ordered to cease and desist from advertising, marking or describing its receptacles with the word "cedar" or any derivation thereof such as "Cedarol," either alone or in association with cedar oil, that they will not afford access to clothes moths, and which will, when closed, cause and maintain within them concentration of the vapor or gas from cedar oil sufficient as a fumigant to kill young moth larvae within a reasonable time after articles infested with such larvae are deposited in them. The respondents will also cease representing that such receptacles are of a construction that is provision against the access of clothes moths, unless such receptacles shall be, in fact, so constructed. (2810)

Hay & Peabody Cement Vault Company, 201 Arlington St., Watertown, Mass., has been served with an order prohibiting misleading representations in the sale of concrete burial vaults.

Vaults sold by the respondent are not to be represented as affording positive protection for all time or as being everlasting, under the order, nor are they to be represented as absolutely waterproof, sweat-proof, airtight and vermin-proof.

The order prohibits the representation that the Hay & Peabody vaults will not disintegrate, but will become stronger and better the longer they remain in the ground. (3157)

Hild Floor Machine Company—Selling a rug and carpet cleaning system, Hild Floor Machine Company, Chicago, has been served with an order prohibiting misleading representations in the sale of its products which are known as Hild Rug and Carpet Cleaning Machine and Hild Rug Shampoo.

The order directs Hild Floor Machine Company to cease and desist from representing that its equipment cleans carpets and rugs without removal from the floor where used, as well as, or better than more expensive cleaning equipment installations used in plants especially equipped for cleaning carpets and rugs after removal from the floor.

The order further bars the representation that only with the respondent's system can the dirtiest tacked-down rugs and carpets be flawlessly shampooed and cleaned and that thereafter nothing remains in the rug which needs rinsing out. (3356)

L. D. Livingston & Sons—An order to cease and desist from misleading representations in the sale of women's apparel has been served upon Louis D. Arnold, Joseph A. Norman and Theodore H. Livingston, manufacturers trading as L. D. Livingston & Sons, 132 West 36th St., New York.

The order directs that in the sale of dresses and other wearing apparel, the respondents cease using the term "pure dye" or similar designations to describe fibers, fabrics or other products not composed entirely of unweighted silk, and the word "crepe" or similar terms to designate a fabric or product not made wholly of silk, unless the descriptive word is used to signify the type of weave or construction and is qualified by other words in conspicuous print clearly naming the constituent fibers or materials. (3627)

North Western Printing House, Inc.—Sale or distribution of lottery devices including a "Bank Day" accumulation of prizes, was prohibited in a cease and desist order issued against North Western Printing House, Inc., 631 West Jackson Blvd., Chicago, doing business as Federal Trade Builders; Louis Rovner and Morris Leavitt, officers, and Edwin J. Pearson, an employee of the corporation.

The respondents were found to have manufactured and distributed sales promotion cards or trade stimulating schemes designed to involve the use of a lottery scheme or gift enterprise to be used by retail dealers in promoting the sale of gasoline and other merchandise. Prizes varied from 20 cents to $10.

Certain sales promotion cards, according to findings, announced the giving of a $5 weekly award by the merchant using them, with all unclaimed awards added to the next award; the awards to be drawn weekly by customers.

Other "Bank Day" trading cards provided for daily, semi-weekly, bi-weekly and monthly awards. Dealers also were provided with display posters and circulars. (3429)

Pacific China Company—Use of the words "free," "without cost", and other terms of similar import in offering products for sale to the public, where the sale entails payment by the purchaser of any part of the cost of the product, is forbidden in a cease and desist order issued against a Los Angeles firm selling chinaware sets through retailers, who offer the sets in connection with a certain amount of purchases of other merchandise.

The respondents are Marcus A. Weinberg, Belle Weinberg and Ray Y. Cliffe, trading as Pacific China Company, 812 South La Brae Ave., Los Angeles.

Through a sales plan in which punch cards, redeemable cards, coupons, certificates and literature were used, the respondents were found to have distributed to retail dealers earthenware or so-called chinaware. After customers have purchased $5 worth of merchandise and punched out that total on cards, the customer becomes entitled to redeem the card by mailing it to the respondents together with a specified sum of money ranging from 81 cents to 99 cents, and receiving the first portion of a "chinaware" service, according to findings. The offer is described as a "special introductory" offer.

The findings show this to be a misrepresentation; that the sets are not obtained free, as represented, and that the offer is not made for the purpose of advertising or introducing Pacific Chinaware for a limited time, as represented by the respondents. (3385)

Storyk Bros., Inc., 135 Madison Ave., New York, has been ordered to cease and desist from misleading representations in the sale of women's wearing apparel.

The order directs that the respondent cease using the word "crepe" or "satin", or other words of similar meaning to describe fabrics or products not made entirely of silk, unless the descriptive words are employed to designate the type of weave or construction, in which case they shall be qualified by use in immediate connection therewith of words in conspicuous type clearly describing the constituent fibers of the fabric or product.

Under the order, the respondent company is to cease employing the word "imported" or similar terms to describe a cloth, fabric or garment not actually imported from a foreign country, and is to discontinue the advertisement or sale of fabrics or other products made in whole or in part of rayon, unless clear disclosure of the fiber content is made. (3600)

FTC CASES CLOSED

The Federal Trade Commission has issued an order closing its case against John D. and Addie Porterfield, trading as Porterfield Candy Co., Sherman, Tex., charged with promoting the sale of candy to ultimate purchasers by use of lottery methods.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution should future facts so warrant.

A complaint charging W. G. Fisher & Co., Inc., 225 West 34th St., New York, with violation of the Federal Trade Commission Act in the sale of cloth and woolen fabrics to manufacturers for use in making garments, has also been dismissed by the Commission.

Dismissal of the complaint followed consideration of the respondent's motion to dismiss, it appearing that the respondent corporation was dissolved November 9, 1938.

The Commission has closed its case against Brownfield Candy Company, 865 Booneville St., Springfield, Mo., charged with the use of unfair methods of competition in the interstate sale of candy and chewing gum.

In closing the case the Commission makes known that the respondent's charter was forfeited January 1, 1939.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 9, March 3, 1939

NAB Convention In Atlantic City July 10

What should prove to be the most notable convention in the NAB's history will be held July 10-13, at the Ambassador Hotel in Atlantic City, N. J.

Definite proposals concerning two of the industry's most vital problems, copyright and program standards, will be presented to the delegates for consideration and action.

Neville Miller this week appointed committees, to meet this month in New York, to frame these proposals.

The Copyright Committee, to meet March 20, will have at its disposal the benefit of Mr. Miller's all-winter investigation of the problem and will consider a number of possible solutions. The Program Standards Committee, to meet March 23, is expected to draw up a new Code of Program Standards that should justify the industry's contention that it is fully qualified for self-regulation.

Appointment of these Committees followed the two-day meeting of the Board of Directors this week. Legislation occupied most of the Board's attention. The NAB policy toward pending bills was discussed in the special bulletin of February 28.

Since the Board adjourned, Representative McLeod (R-Mich) introduced a bill to require the FCC to issue broadcasting licenses for a minimum of three years "to remove the fear of political reprisals". No date has been set for hearings on the Wheeler-Lea and White Bills.

Other highlights of the week:

Chairman Frank R. McNinch of the FCC accused Commissioner T. A. M. Craven of playing to the grandstand in his dissent against adoption of rules for the handling of informal complaints by the Law Department. Carl Byoir, New York publicity man whose "Parade of Business" was criticized by the NAB in certain respects, is putting chain store advertising on the air in Pennsylvania and says "we hope to do more along these lines in subsequent promotions". WLW went back to 50,000 watts when the courts refused to stay the FCC decision against the station continuing with 500 Kilowatts. Montana has a new law to curb the activities of copyright music pools.

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

MILLER APPOINTS PROGRAM AND COPYRIGHT COMMITTEES

Neville Miller, NAB President, this week appointed the highly important program standards and copyright committees to meet this month in New York to work on the two outstanding problems before the broadcasting industry. The copyright committee will meet at the Ambassador Hotel on March 20, and the program standards committee will meet at the same hotel March 23.

Both committees will report to the annual convention in Atlantic City next July.

The program standards committee:

Edgar L. Bill, President, W M B D, Peoria, Illinois; E. B. Craney, K G I R, Butte, Montana; Walter J. Damm, Managing Director, W T M J, Milwaukee, Wisconsin; Earl J. Glade, Managing Director, K S L, Salt Lake City; Herbert Hollister, General Manager, K A N S, Wichita, Kansas; Edward Klauber, Executive Vice President, Columbia Broadcasting System; Lenox Lohr, President, National Broadcasting Company; Paul W. Morency, Assistant Secretary, W T I C, Hartford, Connecticut; Samuel R. Rosenbaum, W F I L, Philadelphia, Pennsylvania; Theodore C. Streibert, Vice President, Mutual Broadcasting System; Karl O. Wyler, Manager, K T S M, El Paso, Texas.

The copyright committees:

Edwin W. Craig, Vice President, W S M, Nashville, Tennessee; Walter J. Damm, Managing Director, W T M J, Milwaukee, Wisconsin; John Elmer, President, W C B M, Baltimore; Mark Ethridge, W H A S, Louisville, Kentucky; Gregory Gentling, General Manager, K R O C, Rochester, Minnesota; Edward Klauber, Executive Vice President, Columbia Broadcasting System; Lenox Lohr, President, National Broadcasting Company; Clair McCollough, General Manager, W G A L, Lancaster, Pennsylvania; John Shepard, 3rd, President, The Yankee Network, Boston; Theodore C. Streibert, Vice President, Mutual Broadcasting System; Harold Wheelahan, Manager, W S M B, New Orleans.

NEW BILL CALLS FOR THREE-YEAR BROADCAST LICENSES

A bill to require the FCC to issue broadcasting licenses for a minimum of three years and a maximum of five, "to remove the fear of political reprisals," was introduced this week by Representative McLeod (R-Mich).

Mr. McLeod issued the following statement when he introduced the bill:

"This Administration or any political party which might be in power holds all radio broadcasting in a vise-like grip. Under the practice of granting licenses for only six months, the slightest whim or nod of a political bureaucrat can mean death to a station which has done no worse than to try to render a public service.

"The fear of reprisals is stultifying all broadcasting and has created an alarming system of indirect censorship. No political party should thus be able to prevent access to the air of those who have a legitimate message to deliver to the public.

"If this Nation is to realize the fullest possible benefits of our tremendous broadcasting system, that system must be given some assurance that within a few months it will not be destroyed because some remark of a station may have displeased the powers that be.

"Several bills dealing with the Communications Commission have been introduced this session. Many of them contain excellent provisions. However, they are in most instances so detailed that there is a possibility that in squabbling over the detail Congress may lose sight of the vital point at issue. That point, freedom of the air from political persecution is adequately covered in the bill I introduced today."

The text of the bill:

"That Section 307, Subdivisions (d) and (e) be amended to read as follows:

"(d) No license granted for the operation of a broadcasting station shall be for a period of less than three years nor for a period of more than five years, and no license so granted for any other class of station shall be for a period of longer than five years, and any license granted may be revoked as hereinafter provided. Upon the expirations of any license, upon application therefore, a renewal of such license may be granted from time to time for a term of not less than three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but applications for the renewal of a license shall be governed by the same considerations and practice which affect the granting of original applications.

"(e) No renewal of an existing station license shall be granted more than ninety days prior to the expiration of the original license, Provided, that in acting upon applications for renewal of the original license, the Commission shall not take into consideration any political views held or expressed by the applicant, and Provided Further that if the Commission shall refuse to grant renewal and the applicant shall state under oath that he believes the refusal to have been based in whole or in part upon such consideration, the applicant may appeal to the District Court of Appeals for a mandamus, and pending action on that appeal the license shall remain in full force and effect."

FREE OFFERS

The NAB's campaign to protect the broadcasting industry from time chiseling is bearing fruit.

Carl Byoir, New York publicity man, whose "Parade of Business" was criticized by the NAB in certain respects, is now working with the NAB in an effort to eliminate objectionable sections of that series.

Perhaps equally important was Mr. Byoir's notice to the NAB this week that "we are putting on a merchandising campaign for the chain stores in Pennsylvania and have persuaded the chains to appropriate a definite sum of money for institutional radio advertising during this ten day period, May 2 to 11."

"We hope to do more along these lines in subsequent promotions," Mr. Byoir said.

S. H. Cuff Associates of New York City has protested against the NAB's opinion that use of the "Track Cracks" scripts, advertising a horse racing magazine, would violate the NAB's Code of Ethics.

Stations were free to sell this script to a local sponsor, the advertising firm maintained, and use of the "Track Cracks" script would not constitute a violation of the Code any more than would the use of scripts offered by the Christian Science Monitor.

Sooner or later, the industry is going to have to decide whether it is going to give "free rides" to "Track Cracks" and many others just to save the expense of program preparation.

The Better Vision Institute, Inc., at New York; the Concord Grape Juice Institute in New York; the Association of American Soap and Glycerine Producers, Inc., of New York; the National Live Stock and Meat Board of Chicago; and Gardiner S. Greene of New York (garden seeds), are among the organizations that have sent members scripts of various kinds this week in the hope that they would get some free advertising.

The NAB has suggested to all of these that any station or any network would be glad to discuss the advantages of radio advertising campaigns at card rates.

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Legal

MONTANA PASSES NEW MUSIC MONOPOLY LAW

The legislature of Montana, on February 27, enacted a new law seeking to curb the activities of pools controlling public performance of copyrighted music and repealed the statute which was enacted in 1937. The statute has been signed by the Governor and now is in force. Under the new law, copyright owners of musical compositions desiring to sell or license performance rights within the state must make full disclosure of the material licensed and are prohibited from charging a fee which takes into consideration programs not using such material. The principles involved in the Montana legislation are similar to those involved in bills now pending before the legislatures of a number of states.

MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling public performance of copyrighted music have been introduced in the states of Washington, Oregon, Kansas, Ohio and Michigan. Details with respect to the proposed legislation have not been received, but from information available they appear to follow the principles involved in the new Montana statute and in the legislation pending in a number of other states.

A public hearing on the bill introduced in New Mexico (NAB REPORTS, February 17, p. 3285) was held February 24. The New Mexico bill already has been passed by the Senate of that state and is pending before the House. A hearing on the Connecticut bill (NAB REPORTS, February 3 p. 3252) was held March 2.

MONTANA PASSES LIBEL BILL

The legislature of Montana has passed a new libel bill protecting broadcasting stations against defamation uttered by persons not under the control of the station and placing the responsibility for defamatory utterances upon the person making the alleged defamatory statements. Bills having the same objective are pending before the legislatures of several other states. The bill as introduced in Montana is reprinted below in its entirety:

> "An Act relating to freedom of speech transmitted over and by means of radio broadcasting stations; the liability under the law of libel and defamation of the owners and operators of such stations, who without actual malice allow and permit their facilities to be used in the discussion of controversial or any other subjects; allowing and permitting discretion to be exercised in the submission for permanent filing of a copy of the complete address, discussion, or other form of expression intended or proposed to be broadcast or transmitted over the facilities of such station or stations, and designating the maximum time for the submission of such copy and relating to evidence of malice; declaring the liability under the law of libel and defamation of persons using broadcasting facilities, including any person, firm or corporation owning or operating such station or stations, and repealing all acts, or parts of acts in conflict herewith.
>
> *Be It Enacted by the Legislative Assembly of the State of Montana:*
>
> Section 1. No person, firm, or corporation owning or operating a radio broadcasting station shall be liable under the law of libel and defamation on account of having made its broadcasting facilities available to any person, whether a candidate for public office or any other person, for discussion of controversial or any other subjects, in the absence of proof of actual malice on the part of such owner or operator.
>
> Section 2. Any person, firm or corporation owning or operating a radio broadcasting station shall have the right, but shall not be compelled to require the submission and permanent filing, in such station, of a copy of the complete address, or other form of expression, if in words, intended to be broadcast over such station not more than 48 hours before the time of the intended broadcast thereof. Neither such submission and filing, nor failure to require such submission and filing, shall constitute evidence of malice, within the meaning of section one of this act.
>
> Section 3. Nothing in this act contained shall be construed to relieve any person broadcasting over a radio station from liability under the law of libel and defamation. Nor shall anything in this act be construed to relieve any person, firm or corporation owning or operating a radio broadcasting station from liability under the law of libel and defamation on account of any broadcast prepared or made by any such person, firm or corporation or by any officer or employee thereof in the course of his employment; and in any case where liability shall exist on account of any broadcast as declared in the first clause of this sentence, in that event where two or more broadcasting stations were connected together simultaneously or by transcription, film, metal tape or other approved

or adapted use for joint operation, in the making of such broadcast, such liability shall be confined and limited solely to the person, firm or corporation owning or operating the radio station which originated such broadcast.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed."

SALESMEN HIRED ON COMMISSION BASIS

Salesmen operating on a commission basis frequently are required to service their accounts during the life of the contracts procured by them, and the compensation to the salesmen for such servicing is included in the commission payment. It has been called to the attention of Headquarters that several stations have experienced difficulty when commission salesmen have left the employ of the station. The station has been compelled to take over the work of servicing the unexpired contracts and at the same time to pay full commission to the salesmen. It has been suggested that this difficulty may be avoided when salesmen leave the employ of the station if the employment agreement with such salesmen provides for a division of the commissions on unexpired contracts in such proportion as will compensate the station for its servicing of the contracts.

NEW LEGISLATION

CONGRESS

S. 517 (Senator Johnson, Colorado) COMMUNICATIONS ACT —To amend S. 517, to prohibit the advertising of alcoholic beverages by radio. Referred to Interstate Commerce Committee.

STATE LEGISLATION

Iowa:

H. 440 (Blue) STATE PROMOTION—To provide for a commission to promote the State of Iowa by advertising in newspapers, magazines and by radio. Referred to Greater Iowa Committee.

Kansas:

H. 474 (Nickell) COPYRIGHT—Requires state registration of all copyrighted music before licensing performing rights and limits activities of combinations of copyright owners within the state.

S. 397 (Denious) COPYRIGHTS—Same as H. 474, above.

Massachusetts:

H. 1929 (From the files) LIBEL OF RACES—Prohibits defamation of races. Referred to Legal Affairs Committee.

Michigan:

H. 243 (Murphy) COPYRIGHT—To provide for a copyright law on music. Referred to State Affairs Committee.

Missouri:

H. 400A (House Committee) SALES TAX—Revises the present sales tax act and continues a two per cent levy on retail sales and on the amount charged for certain services.

New York:

A. 1381 (McCaffrey) MUSICIANS—SCHOOL ORCHESTRAS —Same as S. 200. Makes it unlawful for band or orchestra connected with public school, college, or institution to furnish music at function not connected with such school, college or institution except where no organized civilian band or orchestra exists and except for patriotic parades, and celebrations of national holidays. Referred to Education Committee.

A. 1382 (McCaffrey) MUSICIANS—CIVIL SERVICE EMPLOYEES—Makes it unlawful for band or orchestra composed principally of civil service employees to furnish music at any function not connected with public department or bureau. Referred to Civil Service Committee.

A. 1460 (Giordano) RACIAL AND RELIGIOUS HATRED—Same as S. 1043. Makes it a misdemeanor to incite and promote racial and religious hatred and hostility through printing or distribution of literature, pictures, etc., exhibiting flags, making statements or through use of halls or meeting rooms or broadcasting stations. Referred to Codes Committee.

S. 1043 (Schwartzwald). Same as A. 1460, above.

North Dakota:

S. 284 (Committee on Delayed Bills) COPYRIGHT—Requires state registration of all copyrighted music before licensing performing rights and limits activities of combinations of copyright owners within the state. Referred to Commitee on Taxes and Tax Laws.

Texas:

S. 244 (Hardin) RADIO—NEWSPAPER ADVERTISING—To regulate advertising over the radio and in newspapers. Referred to Criminal Jurisprudence Committee.

Utah:

S. 254 (Lundell) GRADE SCHOOL SYSTEM—Creates a committee to study the operation of a grade school system and to investigate the feasibility of instruction by radio of children up to and including the fifth grade. Referred to Education Committee.

Washington:

S. 414 (Edwards) COPYRIGHTS—Requiring the state registration of all musical copyrights at two cents each. Referred to Judiciary Committee.

S. J. M. 13 (Atkinson) LIQUOR—ADVERTISING—RADIO—Asking the President and Congress to prevent the circulation of liquor advertising in interestate commerce and on the radio.

Wisconsin:

A. 359 (Hipke) RADIO COMMMUNICATIONS—Relating to the prevention of crime and apprehension of criminals by radio communications. Referred to State Affairs Committee.

DIRECTORS' MEETING

Beside adopting the legislative policy reported in the Special Bulletin of February 28, the NAB Board of Directors at its meeting here this week took the following action:

Appropriated $5,000 to cover NAB expenses during 1939 for the NAB-RMA campaign.

Decided to engage an engineer to work under the supervision of John V. L. Hogan (WQXR), Chairman of the Engineering Committee, and Raymond L. Wilmotte, acting engineer, for the time being.

Formally approved the agreement between the NAB Bureau of Copyrights, Inc., and Lang-Worth Feature Programs, Inc.

Decided to cooperate with the National Association of Better Business Bureaus.

Directed Neville Miller to promulgate rules and regulations for submission to the Board at its next meeting concerning the affiliation of state broadcasters associations.

Discussed the FREC campaign.

Directed Mr. Miller to call a meeting of all short-wave station representatives to discuss international broadcasting.

WLW STAY DENIED

Following an oral argument on Tuesday the United States Court of Appeals for the District of Columbia upheld the Federal Communications Commission in its recent decision closing down as of 3 a. m., Wednesday, the 500,000 watts transmitter of WLW, Cincinnati.

The Court denied a restraining order which would have permitted the station to remain on the air until its appeal is decided by the Court. The appeal has not yet been argued nor has a date been set for argument. WLW has been operating with 500,000 watts power on an experimental basis since April, 1934. As a result of the Court order, the station goes back to its regular 50,000 watts operating power.

PUBLICITY ON CRAVEN DISSENT DRAWS McNINCH'S FIRE

FCC adoption this week of a memorandum on the handling of informal complaints by the Law Department drew fire from one commissioner, T. A. M. Craven, who intimated that the procedure adopted would not give broadcasters sufficient protection against government censorship.

Mr. Craven's lone dissent and the publicity given it in the newspapers led Chairman Frank R. McNinch to issue a statement accusing Mr. Craven of making a "stump speech and flag waving."

The memorandum pointed out that the Commission received about 50 complaints a week, about 60 per cent of which were "frivolous" and another 30 per cent non-specific. All complaints should be acknowledged, the Commission decided, and the Law Department could ask the general complainants to be more specific.

> "As to the *third* general classification of complaint letters (or those which appear on their face to be informative), the Law Department should investigate in such manner as may appear warranted," the Commission decided. "In the course of such investigation it should be borne in mind that *unreasonable* demands on stations are not to be made. The Department should furnish the Commission each week a list of those complaints falling within this classification and which are being made the subject of investigation. Thereafter and upon the completion of the investigation the Law Department should reports its findings with appropriate recommendation either upon the removal of license application or with a memorandum on the subject of revocation of license, as the case may appear to warrant. As to revocation few single complaint matters will warrant such action. In addition, such proceedings may or may not appear warranted in cases of specific violations of the Act, orders or rules and regulations of the Commission where the complaint matter is being *contemporaneously* reported to the Department of Justice for possible criminal action."

The Commission then specified the nature of the complaints it usually handled. In conclusion, the memorandum said:

> The committee is further of the opinion that the handling of any broadcast station complaint, as well as a recommendation as to the appropriate procedure to be followed, i. e., by way of action upon the renewal of license or by revocation, is a matter involving the application of sound judgment at all times by the lawyers engaged in this work. Due to the volume of work, the Law Department has seen fit to establish three sections in the Broadcast Division (in lieu of the one section heretofore existing) to handle this work. Necessarily these sections must work in close harmony and the judgment of the three head attorneys together with that of the Assistant General Council in charge, or the General Counsel as the case may warrant, will be secured in each case where affirmative action is to be taken as to a station license.
>
> As to the question of releasing to tthe public information concerning an investigation of an informal broadcast complaint, the Committee has determined that it is not sound practice to release such information. However, it is believed advisable to send stations copies of complaints without disclosing in the normal case the name of the complainant. We feel that demand for public information concerning an investigation being conducted will not be made in the future for the reason that as a general policy temporary licenses pending investigation are not warranted and will not be issued. Upon the designation of an application for renewal of license for hearing, a carefully prepared press release stating generally the reasons for such action should be prepared. Interested parties as well as others will have full notice of the matter to be inquired into, upon the issuance of the notice of hearing. This notice should issue as soon as possible after Commission action designating the application for hearing. As to revocation cases, the order of revocation itself must be accompanied by a full statement of the reasons therefor in accordance with the provisions of Section 312(a). If an order of revocation be entered, the licensee should be immediately notified by wire in order that he may be informed that such an order has been entered and that there will be forwarded to him copy thereof together with the required notice or reasons therefor. Thus the licensee will not be informed for the first time through the press.

In his nine-page dissent, Mr. Craven said he agreed in principle with the majority report so far as it went, but that it failed to solve the whole problem.

"I strongly recommend that the Commission abolish entirely its past and present procedure of handling complaints, as well as the practice of designating applications for renewal of license for hearing for isolated instances of infraction of the Act or the Commission's Rules and Regulations, or of conduct of the station contrary to the standard of public interest," he said.

After discussing the nature of complaints, Mr. Craven said:

> "Without going into any detail as to the nature and extent of the Commission's power to deal with matters involving the qualifications of a licensee to continue operation of a station because of program service adverse to public interest, it is my opinion that the Commission lacks any final legal guide as to the extent and scope of its power to apply the statutory standard to the program service of broadcasting stations and as to the limitations which the First Amendment and Section 326 impose on that power. In view of this situation it is my opinion that the Commission should exercise its power (whatever may be its extent and limitations) over program service sparingly and with extreme caution.
>
> "It is important that the Commission in dealing with program service does not run counter to the guarantee of free speech in the First Amendment to the Constitution, and the prohibition against censorship or any interference with the right of free speech in Section 326 of the Communications Act. Everyone will agree that there is nothing more vital to our form of government than the preservation of liberty of expression. Broadcasting has largely replaced the public platform of former days as the forum for discussion of issues of public interest, and, if the Constitutional guarantee of free speech is to have any real meaning, it must extend to utterances before the microphone.
>
> "Therefore, it would appear advisable, among other things, to make a distinction between isolated matters as against serious and repeated offenses. It seems that the Commission may best proceed against licensees whose conduct from a service standpoint can be judged and classified after operation over a considerable period of time, rather than judge the conduct of a licensee by an isolated instance. Before taking active steps to punish a licensee either by failure to renew the license or by revoking the license, the Commission should be in possession of sufficient information to enable it to judge whether or not the conduct of a station is such as to qualify the licensee to continue operation of the station. In other words, before proceeding to a hearing the Commission should have a prima facie case based upon such substantial evidence, secured over a period of time, as will indicate the actual program service of the station and consequently the capability of its licensee to operate the station in the public interest.
>
> "In the second place, it would appear advisable that the Commission bear in mind that other federal agencies have jurisdiction over various matters which may be complained of concerning

the operation of a broadcast station. These agencies include the Federal Trade Commission, Post Office Department, Department of Justice, the Pure Food and Drug Administration of the Department of Agriculture, the Securities and Exchange Commission, and perhaps others. The jurisdiction claimed by this Commission should not overlap or duplicate that of these other agencies. * * *

"In the third place, it would appear advisable that the Commission avoid, so far as possible, announcing or applying any standard likely to encourage or force licensees to exercise private censorship over utterances made over their stations by third parties in discussions of issues of public interest. Section 315 forbids licensees to censor the speeches of political candidates. It seems similarly desirable that licensees be free and encouraged to follow a policy of fairness to opposing schools of thought on all issues of public interest, and to refrain from private censorship in matters where the public has the right to expect full and free debate. Where the speaker is in the licensee's employ, or where the subject matter is advertising content, submitted to and broadcast by the station, it may be conceded that the licensee should bear full responsibility for what is said and that he may with propriety exercise censorship in order to eliminate objectionable matter. This is an obviously different situation from that presented by speeches by third parties, on a sustaining basis, on issues of public interest, where a minimum for responsibility should be imposed on the broadcaster for the utterances of such third parties, so long as opposing schools of thought are accorded fair treatment.

"I realize that unfortunately the question is complicated by certain State court decisions indicating a tendency to hold that, even with respect to speeches of political candidates broadcast under Section 315, a broadcaster is liable for defamation occurring in a speech which he is forbidden to censor. Such decisions create a perfectly understandable dilemma for the broadcaster and furnish a strong incentive toward private censorship which would not otherwise be exercised. There are many who believe that the time has come for amendment of the federal statute so as to make it clear that the broadcaster is not liable under such circumstances, or under any circumstances where it is desirable that private censorship not be exercised. I suggest the possibility of making an appropriate recommendation to Congress as a proper subject for the Commission's consideration.

"In the fourth place, it is my opinion that the Commission should refrain from any attempt, direct or indirect, to force stations to broadcast programs which the Commission thinks best for the public; in other words, to attempt to substitute its judgment as to the needs and desires of the listening public for that of the broadcaster. It should confine the exercise of whatever regulatory powers it may have over program service to particular evils as they develop, and these evils should be of serious proportions,—should be of such character that the Commission's power over them is unquestionable, and should be susceptible of being clearly defined and embraced in standards (whether expressed in regulations or in decisions resulting from hearings) susceptible of being applied to all licensees uniformly, fairly and without discrimination. * * *"

Mr. McNinch followed, the next day, with the following statement:

"Articles published in a limited number of newspapers today, especially one credited to the Chicago Tribune Press Service, thoroughly misrepresent the Commission's action on program complaint procedure on February 27. They call for correction even though the publications are partly explained by the incitement of gratuitous, alarmist statements by Commissioner T. A. M. Craven in a one-man minority report. Commissioner Craven, by implication, attacked the intelligence, the integrity and the motives of the other six commissioners, to execute a grandstand play of devotion to free speech and opposition to censorship.

"The simple fact is that the Commission adopted a report clarifying and formalizing the staff procedure for handling informal complaints and presenting them to the Commission. * * *

"Nowhere is there any color of the Commission's 'widening its field of censorship.' It is baldly untrue that 'Commissioner Craven refused to sign the report and submitted a minority report charging that the procedure recommended would invade freedom of speech.' The minority report which he made all by himself says in its very opening sentence, 'I agree in principle with the majority report of the Complaint Committee insofar as it goes * * *.'

"It is true that Commissioner Craven goes much further—miles further than was asked or expected in the Commission's direction to the Committee, which was "recommending procedure to be followed in the handling of informal complaints against radio broadcast stations." The Commission recognized this overstepping Monday in adopting the report of Commissioners Sykes and Payne instead of Commissioner Craven's report. No one voted for Commissioner Craven's report but himself.

"Commissioner Craven has much to say of the dangers of censorship. What if any actions of the Commission could he refer to? In the only two cases which have even been conspicuously attacked on this alleged ground—Mae West and "Beyond the Horizon"—Commissioner Craven was a party to the actions.

"Commissioner Craven says in thousands of words that he favors avoidance of censorship, free speech, due regard for the authority of other Federal agencies, full discussion of political questions, and privately owned and competitive broadcasting. Who doesn't? A committee report to his associates on "procedure" —not on policies—is hardly an appropriate setting for a stump speech and flag waving. And such treatment is highly unjust to the other six commissioners."

BOARD APPROVES ESTABLISHMENT OF BUREAU OF RADIO ADVERTISING

At its meeting this week, the NAB Board of Directors formally approved the establishment of a Bureau of Radio Advertising. Filling a long-felt need in the broadcasting industry, the Bureau will undertake to (1) promote radio as an advertising medium, (2) serve as a clearing house for the collection and use of basic industry information and surveys of direct and indirect benefit to commercial representatives of member stations, (3) establish closer relations with trade and advertising groups, and the trade press, (4) prepare proper material which can be used in sales presentations, dealer and distributor meetings, and in auditions.

The Bureau of Radio Advertising is an outgrowth of the work of the NAB Sales Managers' Committee which this year has been under the leadership of Craig Lawrence, KSO. The Bureau will be set up in the Headquarters offices and will be jointly supervised by Paul F. Peter, Director of Research and Ed Kirby, Director of Public Relations. It will continue to work in close cooperation with the Sales Managers' groups in the seventeen NAB Districts.

RADIO GETS 2,700,000 DIMES FOR INFANTILE FUND

With radio the backbone of the 1939 "March of Dimes" campaign, an all-time record was established.

A total of 2,700,000 dimes poured in through American radio stations during the month of January. This is in direct contrast to the 870,000 dimes received by radio stations through the same period of time in the year 1938.

George E. Allen, former Commissioner of the District of Columbia, and prominent member of the "March of Dimes" committee, has expressed his thanks to Neville Miller, NAB President. Referring to the remarkable record established this year, Mr. Allen said: "I think that tells the radio story better than words or congratulations. Many thanks again."

RED CROSS PROGRAMS

Fully aware of the great humanitarian objectives of the American Red Cross, NAB is lending its support to the Headquarters Staff of the Red Cross in Washington, in its endeavor to encourage local Red Cross Chapters to use radio other than in times of emergency or during the annual Roll Call. Headquarters believes that each local chapter has a great story of service to tell, and can contribute much stimulating material to the public service record of the American radio station.

Toward that end, the following statement is being published this week in both the National Red Cross Bulletin and the NAB Reports:

> Cooperation between broadcasters and the American Red Cross in the production of educational programs has existed, with excellent results, since broadcasting began. These programs on networks and individual stations have presented not only the disaster relief and Roll Call appeals of the Red Cross, but also its many-sided services to the public in life saving, first aid and accident prevention, public health nursing, assistance to war veterans and enlisted men, and in character building by the Junior Red Cross.
>
> Up to the present, however, most of the *local* Red Cross programs have had to do with disaster relief and the membership Roll Call. Relatively few local schedules have been carried the year 'round for the purpose of informing the public of the regular services of Red Cross Chapters to their own communities.
>
> This year the National Organization of the Red Cross is making a special effort to develop such local year 'round schedules of educational broadcasting over as manay stations as possible. Through its radio bulletin, field representatives, and correspondence, the Red Cross is urging its Chapters with radio stations in their territories to solicit the aid of managers and program directors in working out "Red Cross Hours" or "Red Cross Workshops" to be presented once or twice a month at the same hour throughout the year.
>
> In this activity, the Red Cross has the full endorsement and support of the National Association of Broadcasters. Because of its importance as the voluntary humanitarian agency of all the people of the United States, the Red Cross offers unusual opportunities for educational broadcasting of the highest order.
>
> Broadcasters, of course, will require no urging to enlist their assistance in planning these year 'round schedules with Red Cross Chapters. Managers and program directors who are interested are invited to consult their local Chapters, or to communicate directly with National Headquarters of the American Red Cross, Washington, D. C.

Radio Committees

Following are the members of the two Congressional Committees dealing with broadcasting legislation:

SENATE COMMITTEE ON INTERSTATE COMMERCE

Democrats

Burton K. Wheeler, of Montant, Chairman
Ellison D. Smith, of South Carolina
Robert F. Wagner, of New York
Alben W. Barkley, of Kentucky
M. M. Neely, of West Virginia
Homer T. Bone, of Washington
Vic Donahey, of Ohio
Sherman Minton, of Indiana
Harry S. Truman, of Missouri
Charles O. Andrews, of Florida
Edwin C. Johnson, of Colorado
H. H. Schwartz, of Wyoming
Lister Hill, of Alabama
Ernest Lundeen, of Minnesota
Tom Stewart, of Tennessee

Republicans

Wallace H. White, Jr., of Maine
Warren R. Austin, of Vermont
Henrik Shipstead, of Minnesota
Charles W. Tobey, of New Hampshire
Clyde M. Reed, of Kansas
Chan Gurney, of South Dakota

HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Democrats

Clarence F. Lea, of California, Chairman
Robert Crosser, of Ohio
Alfred L. Bulwinkle, of North Carolina
Virgil Chapman, of Kentucky
William P. Cole, Jr., of Maryland
Edward A. Kelly, of Illinois
John A. Martin, of Colorado
Herron Pearson, of Tennessee
Lyle H. Boren, of Oklahoma
Martin J. Kennedy, of New York
Elmer J. Ryan, of Minnesota
Charles L. South, of Texas
James P. McGranery, of Pennsylvania
Donald L. O'Toole, of New York
Luther Patrick, of Alabama

Republicans

Carl E. Mapes, of Michigan
Charles A. Wolverton, of New Jersey
James Wolfenden, of Pennsylvania
Pehr G. Holmes, of Massachusetts
B. Carroll Reece, of Tennessee
James W. Wadsworth, of New York
Charles A. Halleck, of Indiana
Oscar Youngdahl, of Minnesota
Carl Hinshaw, of California
Clarence J. Brown, of Ohio

Monopoly Hearing

February 23

E. C. Page, of the engineering firm of Page and Davis, continued presentation of technical and coverage phases of the Mutual Broadcasting System, which concluded Mutual's presentation.

On motion of counsel, John Shepard, 3rd, President of the Yankee and the Colonial Networks, was permitted to submit evidence for both simultaneously. Mr. Shepard outlined the corporate and financial set-up and history of the two networks. He stated that the Yankee Network owns four broadcasting stations: WNAC, WAAB, WICC and WEAN. Mr. Shepard pointed out that while Yankee and Colonial were two separate corporate set-ups, the two could be considered, from an operations standpoint, as a single unit, both using the same telephone lines on a time-sharing basis and originating programs from the same studios.

February 24

Mr. Shepard resumed with a discussion of the operating and program policies of his stations. He stated that in the last three months he has discontinued the use of editorials on news periods, but that when such editorials had been presented before, they were "clearly labeled" as editorials. Mr. Shepard stated the majority of his radio editorials had been in the nature of "cleaning up" certain conditions such as the pardon and parole racket, etc., in which there was genuine public interest. He asserted, however, that this editorial technique did not extend to the "selection of candidates for office"; that they concerned themselves only with "good government" and not political candidates.

February 28

Paul A. De Mars, technical director of the Yankee and Colonial Networks, concluded their testimony with a presentation of technical and coverage information.

This was followed by the testimony of the Pacific Broadcasting Company, the first witness of which was Mr. E. C. Page (referred to above), who presented its engineering data.

Carl E. Haymond, general manager of the Pacific Broadcasting Company, followed and stated that the network was organized in 1937 for "the purpose of affiliating a group of stations in Oregon and Washington as outlets for the Mutual and the Mutual-Don Lee Broadcasting Systems." He stated that at the time Mutual became a coast-to-coast network, there were no outlets in these states for either Mutual or Don Lee; that the cost of maintaining long lines from San Francisco to Seattle and across the State of Washington had previously prevented the completing of a coast-wide network. He gave a history of the network's financial and program operations.

Appearing for the Virginia Broadcasting Company, as Secretary-Treasurer was Mr. S. C. Ondarcho, who is also manager of Station WBTM. The Corporation, he said, is made up of five stations and is controlled by five directors, one from each of the stations. In 1936 the stations were connected by permanent landlines, 16 hours a day, for a period of three months. In April, 1936, however, this plan was abandoned and since that time the stations have been connected as a network for special events only.

March 1

Lynne C. Smeby took the stand as technical witness for the Michigan Radio network as the hearing continued and occupied most of the morning.

In the afternoon session, George W. Trendle, President of the King-Trendle Broadcasting Corporation, appeared as witness for the Michigan Broadcasting Network and stated that the Michigan Radio Network "really means that we have made contracts as the King-Trendle Broadcasting Corporation with several stations out in the state by the terms of which we supply them with sustaining programs, and also have the use of their lines for certain programs." The network is an association, is not an incorporation. It owns no interest, direct or indirect, in any of the stations affiliated with the Michigan Network, Mr. Trendle declared.

He explained that through an arrangement with NBC, programs created and produced by his station, such as the Lone Ranger and the Green Hornet, are piped to Chicago where they are recorded and later sold throughout the world. Lone Ranger is now on 127 stations at the present time, he stated, including stations in Australia. He concluded with a resume of the operating experiences and policies of Station WXYZ and the Michigan Radio Network.

Scheduled to appear next week are the Texas Quality Network and the Texas State Network.

UNLICENSED STATIONS

Following an investigation by FCC Inspectors of the operation of unlicensed radio stations in San Francisco, California, Edward Maleski and Edward Rittler were indicted for violations of Sections 310 and 318 of the Communications Act of 1934, as amended.

On February 28, Edward Maleski, following a plea of guilty, was sentenced in the United States District Court for the Northern District of California to one year probation and a fine of one hundred dollars. The other defendant, Edward Rittler, also plead guilty to such unlawful radio operation and was to be sentenced by the Court on March 2.

TELEVISION BROADCAST STATIONS

As of February 1, 1939

(Prepared by the FCC)

Licensee and Location	*Call Letters*	*Frequency (kc) or Group*	*Power*		*Emission*
			Visual	*Aural*	
Columbia Broadcasting System. Inc., New York, N. Y.	W2XAX	B, C	50w C.P.7½kw	 7½kw	A5 A3, A5
Don Lee Broadcasting System, Los Angeles, Calif.	W6XAO	B, C	1kw	150w	A3, A5
Allen B. Du Mont Laboratories, Inc., Passaic, N. J.	W2XVT	B	50w	50w	A3, A5 (C. P. only)
Farnsworth Television, Incorporated of Pennsylvania, Springfield, Penna.	W3XPF	B, C	250w	1kw	A3, A5
First National Television, Inc., Kansas City, Mo.	W9XAL	B, C	300w	150w	A3, A5
General Electric Company, Bridgeport, Conn.	W1XA	C	10kw	3kw	A3, A5 (C. P. only)
General Electric Company, Albany, New York.	W2XB	C	10kw	3kw	A3, A5 (C. P. only)
General Electric Company, Schenectady, New York.	W2XD	D (156000-162000)	40w		A5 (C. P. only)
General Electric Company, Schenectady, New York.	W2XH	B	40w		A5 (C. P. only)
General Television Corporation, Boston, Mass.	W1XG	B, C	500w		A5
Kansas State College of Agriculture and Applied Science, Manhattan, Kansas.	W9XAK	A	125w	125w	A3, A5
National Broadcasting Co., Inc., New York, N. Y.	W2XBS	B, C	12kw	15kw	A3, A5
National Broadcasting Co., Inc., Portable (Camden, N. J. and New York, N. Y.)	W2XBT	D (92000 & 175000-180000)	400w	100w	A1, A2 A3, A5
Philco Radio and Television Corp., Philadelphia, Pa.	W3XE	B, C	10kw	10kw	A3, A5
Philco Radio and Television Corp., Philadelphia, Pa.	W3XP	D (204000-210000)	15w		A5
Purdue University, West Lafayette, Ind.	W9XG	A	1½kw		A5
Radio Pictures, Inc., Long Island City, N. Y.	W2XDR	B, C	1kw	500w	A3, A5
RCA Manufacturing Co., Inc., Portable (Camden, N. J.)	W3XAD	D (124000-13000)	500w	500w	A3, A5
RCA Manufacturing Co., Inc., Camden, N. J.	W3XEP	B, C	30kw	30kw	A3, A5
RCA Manufacturing Co., Inc., Portable-Mobile (Camden, N. J.)	W10XX	B, C	50w	50w	A3, A5
University of Iowa, Iowa City, Iowa.	W9XK	A	100w		A5
University of Iowa, Iowa City, Iowa.	W9XUI	B, C	100w		A5
Zenith Radio Corporation, Chicago, Ill.	W9XZV	B, C	1kw	1kw	A3, A5 (C. P. only)

Group A	*Group B*	*Group C*	*Group D*
2000 to 2100 kc.	42000 to 56000 kc.	60000 to 86000 kc.	Any 6000 kc. frequency band above 110000 kc., excluding 400000 to 401000 kc.

FEDERAL COMMUNICATIONS COMMISSION ORDER

The Federal Communications Commission this week denied Station WAIR, **Winston-Salem, North Caro-**

lina, its petition for rehearing. Commissioner Brown did not participate.

The Commission on January 3 denied the station's application which would have granted WAIR power of 250 watts night on its present assignment of **1250 kilocycles.** The station now operates on that frequency with 250 watts daytime only.

The applicants filed a petition for rehearing in which it was alleged the Commission committed error in declining to grant the application. In denying the application for rehearing the Commission stated that the operation of the station as proposed would limit Station WNEW, New York City, and WHBI, Newark, N. J., to their respective 2.4 millivolt per meter nighttime contours.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, March 6. They are subject to change.

Monday, March 6

NEW—William C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., **1260 kc.,** 1 KW, daytime.

Tuesday, March 7

KRSC—Radio Sales Corporation, Seattle, Wash.—C. P., **1120 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 250 watts, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

Wednesday, March 8

WCY—Radiomarine Corp. of America, West Dover, Ohio.—C. P. for additional frequencies, **2550, 2738, 6470** and **11370 kc.,** 400 watts, Emission A2, A3, unlimited, except day only on **11370 kc.**

KFPW—Southwestern Hotel Company, Fort Smith, Ark.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, unlimited time.

Friday, March 10

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.,** 1 KW, unlimited time (DA at night).

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

March 16

Oral Argument Before the Commission

Examiner's Report No. I-669:

NEW—Colonial Broadcasting Corp., Norfolk, Va.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

March 22

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 100 watts, 250 watts LS, specified hours.

NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.,** 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).

March 29

NEW—Northwest Broadcasting Co., Fort Dodge, Iowa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, specified hours.

April 3

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.,** 500 watts, unlimited time. Present assignment: **1340 kc.,** 250 watts, unlimited time.

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

April 10

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 kc.,** 250 watts, daytime. Present assignment: **1310 kc.,** 100 watts, daytime.

April 11

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.,** 100 watts, unlimited time. Present assignment: **1370 kc.,** 100 watts, daytime.

NEW—W. B. Greenwald, Topeka, Kans.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 kc.,** 100 watts, unlimited time. Present assignment: **1420 kc.,** 100 watts, daytime.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.,** 100 watts, unlimited time.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.,** 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.,** 1 KW, daytime.

April 25

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 kc.,** 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 kc.,** 1 KW, 2½ KW LS, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.,** 1 KW, unlimited time.

April 26

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, President), Huntsville, Tex.—C. P., **1500 kc.,** 250 watts, daytime. Present assignment: **1500 kc.,** 100 watts, daytime.

April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

May 1

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

May 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—World Wide Broadcasting Corp., Norwood, Mass.—Granted C. P. for a new international broadcast station to use frequencies **11730** and **15130 kc.**, listed as "Pan American" frequencies, on an experimental basis in accordance with Rules 980-987 and 1010-1015, with power of 20 KW. Applicant proposes to conduct a program of research which includes the making of comparative test measurements in Puerto Rico, Buenos Aires and London.

NEW—John V. L. Hogan, New York City.—Granted C. P. for new experimental high frequency broadcast station, frequency **41200 kc.**, on an experimental basis in accordance with Rules 980-987 and 1050-1056, with power of 1 KW, special emission for frequency modulation, unlimited time, in accordance with Rule 983, and transmitter to be located in New York City, site to be determined.

NEW—WBNS, Inc., Columbus, Ohio.—Granted C. P. for new facsimile broadcast station, frequencies **31600, 35600, 38600** and **41000 kc.**, on an experimental basis only, conditionally, 100 watts.

WGN—WGN, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate with 50 KW power for the purpose of transmitting facsimile signals experimentally between 1 a. m. and 6 a. m., CST, for the period ending August 1, 1939.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted extension of special experimental authority to operate with 1 KW (used by broadcast station) for the purpose of transmitting facsimile signals experimentally from 12 midnight to 6 a. m., PST, for the period ending September 1, 1939.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted consent to assignment of license (Chairman McNinch and Commissioner Walker voting "No") for Station WAAW from Omaha Grain Exchange to World Publishing Company. Station operates on **660 kc.**, 500 watts, daytime.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted modification of special experimental authority to move transmitter site locally, install new equipment, and increase power from 10 KW night and day to 50 KW, employing DA for nighttime operation, operating on **1100 kc.**, unlimited time.

WCLE—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted renewal of broadcast station license for the regular period.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for renewal of license designated for hearing, and station granted a temporary license pending outcome of hearing. (This application was set for hearing by reason of applicants' failure to file renewal application in accordance with Rule 340.01.)

KINY—Edwin A. Kraft, Juneau, Alaska.—Application for C. P. to make changes in equipment, change frequency from **1430 kc.** to **740 kc.**, and increase power from 250 watts to 1 KW. (To be heard before the Commission.) Application designated for hearing because request violates Rules 116 and 117, and because interference might result to existing station WSB.

NEW—John R. Pepper, Greenville, Miss.—Application for C. P. for new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenan to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations.)

NEW—The Gazette Company, Cedar Rapids, Iowa.—Application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Exact transmitter and studio sites and types of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations, and pending applications from Iowa involve an increase in service.)

MISCELLANEOUS

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period March 10 to April 8, in order to conduct experimental farm programs.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted special temporary authority to operate a 100-watt test transmitter in and around Greensboro, N. C., during experimental period beginning February 27 and ending March 28, in order to determine suitability of proposed new transmitter site.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Continued hearing on application for renewal of license now scheduled for February 28, to May 1, 1939, to be heard with the application of WHA requesting the facilities of WMAQ.

WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Continued indefinitely and until further order of the Commission the hearing on the application of WLAC for a construction permit to increase power from 5 KW to 50 KW, on **1470 kc.** (DA night).

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8:30 p. m. to conclusion of basketball game on February 25.

WGN—WGN, Inc., Chicago, Ill.—Granted extension of special temporary authority to use the WENR transmitter equipment located at Downers Grove, Ill., formerly used as main transmitter for Station WENR-WLS, and now used as auxiliary transmitter for WENR-WLS under Commission licenses, for the period March 3 to April 1, 1939, in order to give WGN an opportunity to move present transmitter equipment located 4 miles east of Elgin, Ill., to its new location pursuant to C. P.

NEW—Woodmen of the World Life Ins. Society, Omaha, Nebr., Portable-Mobile.—Granted C. P. for new experimental relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 20 watts.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 1 to 5 KW.

KVWC—The Northwestern Broadcasting Co., Vernon, Tex.—Granted license to cover C. P. authorizing new station to operate on **1500 kc.**, 100 watts, unlimited time.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted license to cover C. P. authorizing changes in equipment.

WHA—University of Wisconsin, Madison, Wis.—Granted in part petition for continuance of hearing, now set for February 28, for a period of 60 days, instead of 90 days as requested.

WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Granted petition of respondent to waive Rule 15.31 and accept their answer in re application of Spartanburg Advertising Co., Spartanburg, S. C., for C. P. to operate on **1370 kc.**, 100 watts night, 250 watts LS, unlimited time.

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—Granted petition to take depositions before M. G. Bost in re application for C. P. to operate on **1370 kc.**, 100 night, 250 watts LS, unlimited time.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted petition for continuance of hearing, now scheduled for March 14, to a new date to be fixed by Docket Section, on application of WHDF for modification of license to change from specified hours to unlimited time on **1370 kc.**, 100 watts night, 250 watts day, and the application of Copper Country Broadcasting Co., Hancock, Mich., for the facilities of WHDF.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted petition for order to take depositions in re application for C. P. to change from **1370 kc.,** 100 watts night, 250 watts day, unlimited time, to **930 kc.,** 500 watts, unlimited, using DA at night.

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition to take depositions in re application for C. P. to erect a new station to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time.

NEW—Birney Imes, Columbus, Miss.—Granted petition to dismiss without prejudice application for C. P. to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time.

KOVC—KOVC, Inc., Valley City, N. Dak.—Granted petition for acceptance of applicant's appearance filed late in re application for C. P. to change from **1500 kc.,** 100 watts night, 250 watts day, unlimited, to **1340 kc.,** 500 watts night, 250 watts day, unlimited time.

WRDO—WRDO, Inc., Augusta, Maine.—Denied petition to reopen hearing in re application for renewal of license to operate on **1370 kc.,** 100 watts night and day, unlimited time.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—The Commission (Commissioner Sykes voting "No"), entered an order setting aside the order of December 12, 1938, denying respondent's (KOAC) motion to reopen the hearing in Docket No. 5054; reopened the hearing; amended the order of January 30, 1939, and denied the motion filed by Salt River Valley Broadcasting Co. and granted the motion filed by Oregon State Agriculture College in this matter.

KNOW—KUT Broadcasting Co., Austin, Tex.—Retired to the closed files for want of prosecution, the application for modification of C. P. requesting authority to make further changes in equipment, move transmitter locally and extend commencement and completion dates.

WAWZ—Pillar of Fire Zarephath, N. J.—Granted license to cover C. P. authorizing increase in night power from 500 watts to 1 KW, and installation of a directional antenna system for nighttime operation only.

KAOG—Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.).—Granted license to cover C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.,** 8 watts.

WIXOJ—The Yankee Network, Inc., Paxton, Mass.—Granted modification of C. P. as modified authorizing extension of completion date of C. P. from April 29 to October 29, 1939, for high frequency broadcast station.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted modification of C. P. authorizing changes in equipment and extension of commencement date to 90 days after grant and completion date to 90 days thereafter, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Bellingham Broadcasting Co. for C. P. and upon the application for renewal of license of KVOS, nor any issues involved therein.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 7:30 to 10 p. m., EST, on February 29, in order to broadcast non-commercial movie-quiz contest, instead of February 20, as authorized by grant of February 17.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 to 10:30 p. m., CST, March 2, in order to broadcast Illinois State Regional Basketball Tournament.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted special temporary authority to rebroadcast time signals originated by Radio station NAA, at 8 to 11 a. m. and 6 p. m., CST, daily for the period beginning March 1 and ending no later than March 31, 1939.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2:15 p. m., MST, on March 6, 13, 20, 27, in order to broadcast livestock auction and merchants programs from Ft. Morgan, Colo.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast experimental stations on the frequency **31220 kc.,** pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service, for the period March 11 to April 9, 1939.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted special temporary authority to use temporary studios at the transmitter site on the A-J Rock Dump, near Juneau, Alaska, as main studios, until definite arrangements can be made for new studios in downtown Juneau and in no event for a period exceeding 30 days.

W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Denied special temporary authority to operate experimental television broadcast station W2XVT during the hours from 9 a. m. to midnight, EST, for a period not to exceed 30 days, in accordance with Rule 983, in order to conduct tests.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, on March 6, in order to broadcast Purdue University basketball game.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. until midnight on April 17, in order to broadcast general election for offices of Mayor and City Commissioners, and on April 18 in order to broadcast general election returns.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 to 9:30 p. m., EST, on February 28, in order to broadcast proceedings attendant upon banquet being given by the American Legion.

W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast over high frequency broadcast station W9XA programs originatnig from special broadcast station KITE, Kansas City, Mo., and from standard broadcast station WLW, Cincinnati; KSL, Salt Lake City; KCKN, Kansas City, Kans., subject to the provisions of Rule 1052, for the normal licensed period of high frequency broadcast stations expiring April 1, 1940.

APPLICATIONS FILED AT FCC

930 Kilocycles

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Construction permit to install new antenna and move transmitter from near Shenandoah, Iowa, and studio from Elm and Lowell Sts., Shenandoah, Iowa, to a site to be determined at Council Bluffs, Iowa.

1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Construction permit to increase power from 1 KW to 5 KW, changes in equipment. Amended to request power of 1 KW night and 5 KW day.

1200 Kilocycles

NEW—Mollin Investment Co., Palm Springs, Calif.—Construction permit for new broadcast station to be operated on **1200 kc.,** 100 watts, daytime hours of operation.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Authority to transfer control of corporation from The Telegraph Press, Inc., to J. H. Steinman and John F. Steinman.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit for installation of new equipment and increase in daytime power.

NEW—North Shore Broadcasting Company, Salem, Mass.—Construction permit for a new station on **1200 kc.,** 100 watts power, unlimited time.

WMRO—Martin R. O'Brien, Aurora, Ill.—License to cover construction permit for new broadcast station.

1310 Kilocycles

WSGN—The Birmingham News Company, Birmingham, Ala.—Modification of license to increase power from 100 watts night and 250 watts day to 250 watts day and night.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—License to cover construction permit for installation of new equipment and increase in daytime power.

1370 Kilocycles

NEW—Tom M. Bryan, Fort Lauderdale, Fla.—Construction permit for new broadcast station to be operated on **1370 kc.,** 100 watts night, 250 watts day, unlimited hours of operation.

1400 Kilocycles

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of construction permit authorizing equipment changes requesting an extension of commencement date from 2-13-39 to 4-13-39 and completion date from 7-13-39 to 8-13-39.

1420 Kilocycles

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Modification of construction permit for new broadcast station requesting approval of transmitter location at U. S. Highway No. 10, between Wallace and Kellog, Idaho, and approval of antenna.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of construction permit for new broadcast station requesting change in transmitter location to 103 W. Main Street, Bozeman, Mont., and extension of commencement and completion dates to 30 and 180 days after grant.

1460 Kilocycles

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Modification of construction permit (B1-P-1827) to increase power, new transmitter, antenna, and move, further requesting approval of directional antenna for day and night use, and approval of transmitter site at .4 miles east of Wheaton, Md.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a. m., PST, using 10 KW power, period 5-1-39 to 11-1-39.

1500 Kilocycles

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on **1500 kc.,** 100 watts night, 250 watts day, unlimited hours of operation.

MISCELLANEOUS

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new television station on **42000-56000 kc.,** 250 watts power, A3 and A4 emission; also special emission, located in the immediate vicinity of San Francisco, Calif. Amended to request 1 KW power, changes in transmitting equipment, and slight changes in proposed program of research.

W2XBF—William G. H. Finch, New York, N. Y.—License to cover construction permit (B1-PEX-25) for move of transmitter, installation of new antenna.

W2XSN—Paul F. Godley, Alpine, N. J.—Modification of construction permit authorizing new high frequency broadcast station, requesting extension of completion date from 3-18-39 to 9-15-39.

W9XEA—Paducah Broadcasting Co., Inc., Portable-Mobile in area of Paducah, Ky.—License to cover construction permit (B2-PRE-234) for new relay broadcast (experimental) station.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for reinstatement of high frequency broadcast (experimental) station W9XAZ on frequencies **31600, 35600, 38600** and **41000 kc.,** 500 watts power, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

Atlantic Grocery Company—See B. Green & Company.

Consumers Bureau of Standards—A complaint has been issued against Albert Lane, trading as Consumers' Bureau of Standards, 319 West 48th St., New York, publisher of pamphlets now known as "Consumers' Bureau Reports," and formerly as "Consumers' Preference."

In circulars, sales talks and letters to prospective purchasers, it allegedly was advertised that "Consumers' Bureau of Standards" is a national, non-profit consumers' research and educational organization which maintains a staff of technicians and investigates, tests and reports on goods and services for the benefit of the ultimate consumer, when such were not the facts.

The respondent is alleged to have represented and implied that the Consumers' Bureau of Standards is affiliated with the Government's National Bureau of Standards; that his publications, which competed with magazines published for consumers like "Consumers' Research" and "Consumers' Union," were designed to present the manufacturer's side of the picture in advertised products and that his magazines would be sold nationally with 1,000,000 copies distributed free, when such are not the facts.

Intimidation and coercion by the respondent of manufacturers and producers whose products he sought to list in his publications, are alleged. The respondent allegedly threatened that if such manufacturers and producers did not purchase copies of his magazines their products would be disparagingly listed therein. (3718)

E. Fougera & Company, Inc.—See Perastham Company, Inc.

B. Green & Company—A complaint charging four Baltimore wholesale grocery firms with combining and conspiring to restrict competition in the resale of certain products in the Baltimore trade area has been issued. The respondents are Benjamin Green and Harry L. Minch, trading as B. Green & Co., 636 West Pratt St.; Isador Rudo and Barnette H. Rudo, trading as The Atlantic Grocery Company, 121 Cheapside St.; Morris Kolker, Harry Mark and Samuel Guttman, trading as The Maryland Grocery Company, 722 East Pratt St., and Michael Joffee and Reubin Joffee, trading as Joffee Brothers, 623 West Pratt St.

The complaint charges that it is a custom for the wholesale groceries in Baltimore to pool their respective purchases of less than carload lots from producers and manufacturers selling in interstate commerce, to take advantage of price concessions granted for carload lots; each wholesaler being responsible for only that part representing his individual purchase.

During 1938 the respondents are alleged to have entered into and thereafter carried out an agreement to refuse to join in the making up of carload shipments if certain designated wholesale grocers in Baltimore were permitted to pool their purchases in such shipments, thus depriving the designated wholesalers requiring less than carload lots of the benefit of carload prices.

The complaint also charges that the respondents threatened producers and manufacturers to refuse to make purchases of their products if the producers and manufacturers allowed other designated wholesale grocers in Baltimore to include their purchases of less than carload lots to make up carload lots for shipment into the Baltimore area. (3720)

Herbtex Company—Charging misleading representations of the therapeutic value of a medicinal preparation a complaint has been issued against James F. Cox and H. C. Elliotte, trading as Herbtex Company, 1200 Chapline St., Wheeling, W. Va.

The complaint alleges that the respondent's product, Herbtex, was advertised as a cure, remedy or competent treatment for constipation, headaches, biliousness, stomach troubles, sleeplessness, rundown condition, nervousness, piles, sluggish kidneys, backache, rheumatism, arthritis, neuritis, gout, and loss of appetite, and as being capable of cleansing, strengthening and stimulating the functioning of the stomach, liver, bladder, blood and bowels, when such were not the facts. (3723)

Joffee Brothers—See B. Green & Company.

Maryland Grocery Company—See B. Green & Company.

Morehouse Manufacturing Company—Charging false and misleading representations in the sale of a hair removing preparation a complaint has been issued against Morehouse Manufacturing Company, Savannah, Ga., trading as Shaving Powder Co.

It is alleged that the respondent corporation's Magic Shaving Powder is not, as represented in newspaper advertisements, a shaving powder, and that it is not a new method for removing hair, will not leave a clear, smooth skin, and is not harmless in all cases.

The complaint charges that use of the preparation may, under customary and usual conditions, be harmful to the skin and its underlying structures because of the ingredients from which the powder is compounded, and that its use may also result in severe injury to the eyes of the user. (3721)

Perasthman Company, Inc.—Alleging violation of the Federal Trade Commission Act in the sale of Perasthman Tablets, a proprietary medicine, a complaint has been issued against two New York companies, The Perasthman Company, Inc., 276 Fifth Ave., and E. Fougera & Co., Inc., 75 Varick St., its exclusive distributor.

The respondents are alleged to have disseminated false advertisements to the effect that Perasthman Tablets will cure or be of substantial therapeutic benefit in treating asthma and its symptoms, and that the preparation is a new sensational European discovery, free from harmful drugs, and may be used indiscriminately without harmful effects.

According to the complaint, the respondents also alleged that use of their preparation has freed thousands from asthma; that its use will benefit all sufferers from asthma, assuring nights of restful sleep and days of greater comfort, and that it will stop wheezing and other symptoms and manifestations of asthma. (3719)

Pronto File Corporation—False and misleading representations are charged in a complaint issued against Pronto File Corporation, 349 Broadway, New York, manufacturers and sellers of steel filing cabinets.

The complaint alleges that in folders and circulars distributed to its dealers and prospective purchasers, representations were made of a 50 per cent reduction from regular prices, and prices printed in black numerals were stricken through with red lines and lower prices in red numerals substituted. (3717)

Shaving Powder Company—See Morehouse Manufacturing Company.

STIPULATIONS

The Commission has entered into the following stipulations:

Acme Feeds, Inc., 7715 Van Buren St., Forest Park, Ill., distributor of animal and fowl feed supplements designated The Old Reliable Acme, Acme Big-9-Steer Feed, Acme Egg Mash, Acme Chick Starter, Acme Egg Balancer, Acme Dairy Cattle 9 Proteins and Acme Calf Meal, has entered into a stipulation to discontinue certain advertising matter concerning its feed products.

Among the claims which will be discontinued are that one pound of Acme Big-9-Steer Feed is equal to two pounds of oil meal; that molasses dairy feeds are only fillers, or that molasses feeds are partially composed of oat hulls and screenings, so as to imply that this is true of all molasses dairy feeds or all molasses feeds; that the Old Reliable Acme plus grain is the best ration on earth at the least cost; that Acme Calf Meal is the most perfect milk substitute on the market for the purpose intended; that Acme Egg Balancer added to grain will provide a mixture at less cost than any formula ever used; that Acme Egg Mash is the most palatable on the market; that Acme Chick Starter has the "highest raise the chick percentage"; that Acme balances corn better than any other kind or form of protein on the market, and that the Acme plant is the most modern in the world. (02320)

Adjuvant Specialties Company, Inc., 111 Academy St., Jersey City, N. J., will discontinue misleading representations in the sale of Belixol, a tonic fortified by the addition of Vitamin B_1.

The respondent corporation agrees to cease representing that Belixol is a new way of mixing Vitamin B_1 in a liquid, and as such is a new scientific discovery; that its tonic will be effective in improving appetite, increasing weight or speeding the growth of children, except in cases caused by Vitamin B_1 deficiency, that Belixol will increase the quantity and improve the quality of milk for nursing mothers, and that many doctors have called B_1 "the key vitamin." (02322)

Cookware Company of America, Hartford, Mich., agrees to stop representing that its cooking utensils are "health" utensils, and that the Cookware Company of America points the way to health to hundreds of thousands of people, or maintains a "Health and Research Department" of recognized merit. In its stipulation the respondent admits that the aluminum utensils it sells are not "health" products and will not automatically save the health-giving elements of natural foods. The respondent agrees to cease representing that by cooking with "Dr. Burnette's Cookware Utensils" one may save money because of a very slight food shrinkage, an economical use of greases, and because foods do not stick or burn. (02323)

Dickerson Manufacturing Company—Leonard E. Dickerson, trading as Dickerson Manufacturing Company, Springfield, Mo., manufacturing gas and electric cooking assemblies for lunch counter operations, stipulates that he will discontinue advertising that his "Mexihot Barbecue Hamburger Machine" is of a larger capacity than the actual measurements of the machine, and that it will "pay for itself first week," thereby implying that purchasers of the machine will realize sufficient profit during the first week of its use to cover its cost. (2400)

Lenox Manufacturing Company—William G. Turner, trading as Lenox Manufacturing Company, 486 Sixth Ave., Brooklyn, engaged in the manufacture and sale of a tooth filling and toothache remedy called Dent-Zel-Ite, agrees to desist from advertising that the product is a tooth filling or that its use will prevent tooth decay or will close, seal or protect tooth cavities, or instantly remedy alveolar abscesses; will banish toothaches, sleepless nights, prevent formation of tooth cavities, or relieve users of the necessity of professional dental treatment. (2396)

National Oil Products Co., Inc., First and Essex Sts., Harrison, N. J., has entered into a stipulation with the Commission to discontinue false and misleading representations in the sale of its products, Admiracion Olive Oil Shampoo and Admiracion Foamy Oil Shampoo.

The respondent agrees to cease advertising that either of its products is a competent treatment for excessive scalp dryness, unless the assertion is limited to the temporary effect of cleansing, and that either preparation will double the life of waves and curls, and rid the scalp and hair of dirt, dandruff and dulling film. The stipulation points out that neither product will have more than temporary effect.

The representation that "In beauty shops Admiracion outsells all others 2 to 1," will also be discontinued. The respondent admits that the combined sales volume of competing products sold in beauty shops is greater than that of Admiracion shampoo preparations sold therein. (02319)

T. M. Sayman Products Company, 2111-2137 Franklin Ave., St. Louis, distributor of Sayman's Vegetable Wonder Soap, agrees to cease representing that the soap is "the best" for infants; that it "differs from all other soaps"; that it is an effective remedy for pimples, blackheads and skin blemishes, and that it cleans "way down into the pores." (02321)

Walter Turner Coffee Company—D. Walter Turner, trading as the Walter Turner Coffee Company, Lenoir, N. C., engaged in the sale of peanuts and other merchandise, agrees to desist from the use of any plan or method promoting the sale of merchandise which involves the use of any gift enterprise, lottery or scheme of chance. (2397)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Charles Atlas, Ltd., New York, distributor of correspondence courses in physical culture, has been served with an order requiring it to cease and desist from misleading representations of its courses or the results to be obtained from following the instructions given.

This corporation, which carries on the business formerly conducted individually by Charles Atlas, was directed to cease representing that users of its courses could acquire, or that the respondent, in 7 days or any other specified time, could prove to anyone that he could have a muscular development like that of Atlas or any other person of similar physique and appearance.

Atlas, who is now treasurer of the respondent corporation and owner of half of its outstanding capital stock, was advertised in the respondent's current book "Ever-lasting Health and Strength," as recipient of the title "America's Most Perfectly Developed Man" at a physical culture exhibition held in 1922, according to findings.

Findings are that while the respondent's correspondence courses may be generally beneficial to users they will not accomplish the results claimed. (3308)

Bacon-Scott Company, Inc.—See Charles H. Bacon Company.

Charles H. Bacon Company—An order has been issued against Charles H. Bacon Company, Lenoir City, Tenn., hosiery manufacturer, and its sales agent, Bacon-Scott Company, Inc., formerly Scott-Bartels Company, Inc., New York, prohibiting misleading representations in the sale of hosiery.

Under the order, the respondents are to cease representing that hosiery manufactured or sold by them contains "silk" or "pure thread silk" in greater quantity than is actually a fact. The respondents also are to discontinue employing the words "silk" or "pure thread silk" to designate hosiery not made entirely of silk, except that in the case of hosiery composed in substantial part of pure silk, such silk content may be described as "silk" or "pure thread silk" if each constituent fiber is conspicuously named in the order of its predominance by weight, beginning with the largest single constituent.

The Commission specifies that the order shall not be construed as approving the use of the unqualified words "silk" or "pure thread silk" to refer to weighted silk.

The order further prohibits advertising or selling hosiery made in whole or in part of rayon without clear disclosure of the fiber content. When such hosiery is composed in part of rayon and partly of other fibers or materials, all the constituent elements shall be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (2087)

J. D. Drushell Company—Under an order to cease and desist issued J. D. Drushell, trading as J. D. Drushell Company, 4753 Broadway, Chicago, is directed to cease making misleading representations in the sale of coin-operated vending machines. The order also names as a respondent Laurence A. Smith, a Drushell sales representative.

The order directs the respondents to cease representing that J. D. Drushell is a representative or agent of or is in any manner connected with the Hershey Chocolate Corporation or the Chocolate Sales Corporation, of Hershey, Pa., or that Drushell's "company" is a division or affiliate of either of these corporations, when such are not the facts.

Drushell and Smith are ordered to cease representing that Drushell is the sole distributor of Hershey penny candy bars; that such bars are distributed exclusively through the Drushell vending machines, or that Drushell has authority to arrange for distribution of candy for the Hershey or the Chocolate Sales Corporation.

Other representations ordered discontinued are that the respondents' vending machines will pay operators thereof an average net profit of $1 a week per machine or that "automatic stores" vending machines can be set to vend candy and other merchandise at the rate of $1 a pound, unless this is true. (3642)

El Moro Cigar Company—Misleading representations in the sale of cigars are prohibited under an order to cease and desist issued against El Moro Cigar Company, 636 South Elm St., Greensboro, N. C.

The order directs the respondent company to stop employing the word "Havana" or other words or picturizations indicative of Cuban origin to designate cigars not made from tobacco grown in Cuba.

Pointing out that Cuban or Havana tobacco is regarded by the public as the finest grown, findings are that none of the respondent company's cigars sold under the label "Havana Counts" contain Cuban tobacco, but are made entirely from tobacco grown in the United States.

The order also prohibits use of the expressions "Take-Outs" or "Throw Outs" to designate cigars, unless they are culled, removed or thrown out from more expensive brands or lots because of defects arising in the manufacturing process and are sold at reduced prices because of the defects.

Findings are that cigars advertised by the respondent company as "Take-Outs" were not culls or discards, but had been manufactured by the respondent to be sold at retail at 2 for 5 cents, in simulation of a "Throw Out" or "Take-Out" cigar. They were made of a grade of tobacco permitting the respondent to sell at such a price and at a profit, according to findings. (2603)

Florida Sponge Packers Association—An order has been issued prohibiting "white listing," "black listing," price fixing and other trade restraints in the distribution of sponges. The primary respondents are the Sponge Institute, Washington, D. C., an association of wholesale distributors, and Florida Sponge Packers Association, Tarpon Springs, Fla., an association of packers, and their officers and members. (3025)

La Pep Health Beverage Company—John J. Kane, trading as La Pep Health Beverage Company, 2765 Kensington Ave., Philadelphia, has been ordered to discontinue unfair methods of competition in the sale of a preparation known as La Pep.

The respondent was directed to cease representing that his product, a mixture of fruit juices and herbs, is a competent remedy in the treatment of skin eruptions, sluggish blood, constipation, fatigue, gall bladder trouble, heart trouble, rheumatism, or other similar ailments; that it will guide a person to health and acts as a body disinfectant, cause wrinkles to disappear or cleanse and clarify the skin. (2681)

W. S. Libbey Company—Use of the word "fleece" as descriptive of blankets not composed wholly of wool is forbidden in a cease and desist order.

The respondent W. S. Libbey Company, Lewiston, Maine, is a manufacturer and distributor of blankets under the trade name "Golden Fleece." Findings are that the blankets are made chiefly of cotton, the wool content being negligible.

The order of the Commission forbids use of the word "fleece" or any other word descriptive of wool, to be applied to any fabric or product not composed wholly of wool, except that in the case of fabrics or products composed in part of wool the word "fleece" may be used as descriptive of the wool content if there is used in immediate connection therewith in letters of at least equal size and conspicuousness words truthfully describing each constituent fiber or material thereof in the order of its predominance by weight. (3638)

National Guard Equipment Company—Under an order to cease and desist, Louis Cohen, trading as National Guard Equipment Company, 155 East 34th St., New York, was directed to discontinue certain misleading representations in the sale and distribution of general merchandise. Cohen is also known as Louis Kahn.

The respondent was ordered to cease representing, through use of his trade name containing the term "National Guard" or in any manner, that his business is a branch of, or affiliated with the United States War Department or National Guard or that his merchandise was made for or purchased from the War Department or National Guard; provided that any merchandise actually purchased at War Department surplus, refuse or reject sales may be so represented. (3588)

Pacific Coast Specialty Company—Prohibiting the use of lottery schemes and games of chance in the sale of novelty merchandise and candy to ultimate consumers, orders to cease and desist have been issued against Philip H. Koolish, Jr., trading as Pacific Coast Specialty Company, Los Angeles, and against Specialties, Inc., 601 South Smallwood St., Baltimore.

The Los Angeles respondent was ordered to cease and desist from supplying to or placing in the hands of othsr push or pull cards, punch boards or other lottery devices to enable such persons to sell merchandise by the use of the devices. Articles sold by the respondent included clocks, cameras and electric shavers.

The order against Specialties, Inc., prohibits selling and distributing candy or other merchandise so packed and assembled that sales to the public may be made by means of a lottery or gift enterprise. (3246 and 3248)

Publix Sales Corporation—Chicago, doing business as a wholesale mail order house, in the sale of new and second-hand and damaged clothing and shoes, has been ordered to cease advertising misrepresentations as to the quality and value of the merchandise it distributes.

Among the misrepresentations ordered discontinued are that it is the largest cash buyer and distributor of rummage sale merchandise; that its merchandise is factory dry cleaned and reblocked, when such is not the fact; that it is of high grade material, good quality, newest pattern, or of latest style, when this is untrue, and that the persons purchasing it from the respondent will make 100 per cent profit, unless purchasers consistently make such profit. (2561)

Run-Proof Laboratories, Inc.—Albert E. Berger, trading as Run-Proof Laboratories, Inc., 134 North LaSalle St., Chicago, has been ordered to cease and desist from representing, through use of the words "run-proof," "Run-proof Laboratories, Inc." or any other words of similar meaning, that the product Run-Proof, when applied to silk or rayon apparel, will render it proof against runs, rips, snags, breaks and ladders, or representing that the respondent owns or operates a laboratory where his product is analyzed and tested, or that he owns or operates a factory making the product, until he actually owns and operates such laboratory or manufacturing plant. (3366)

Specialties, Inc.—See Pacific Coast Specialty Company.

Sponge Institute—See Florida Sponge Packers Association.

Sylvan Company—Prohibiting the use of lottery schemes and games of chance in the sale of novelty merchandise to ultimate purchasers, an order to cease and desist has been issued against Joseph W. Graff, trading as The Sylvan Company, 4224 Lincoln Ave., Chicago.

The respondent was ordered to cease and desist from supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices to enable such persons to sell merchandise by the use of the devices. (3182)

FCC Assignments For March

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF March
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Thad H. Brown
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Paul A. Walker
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Norman S. Case
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner T. A. M. Craven
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner George Henry Payne
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Eugene O. Sykes
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 10, March 10, 1939

The Week In Washington

A sweeping investigation of both the FCC and the broadcasting industry was proposed this week by Senator White (R-Maine) in a resolution referred to the Interstate Commerce Committee whose docket already is well loaded with radio legislation.

Senator White added his resolution to his bill calling for abolition of the FCC and substitution of a new, eleven-man board which would be divided for consideration of broadcasting, telegraph, telephone and point-to-point radio communication questions. So far, Senator Wheeler (D-Montana), Committee Chairman, has neither appointed a sub-committee nor set a hearing date for the White measures or his own bill to substitute a three-man commission for the present FCC. However, he did appoint a sub-committee this week to consider the Johnson Bill to prohibit radio liquor advertising.

Judge Sykes has resigned. Dean of the Commissioners, he was extremely popular in the industry. If President Roosevelt accepts his resignation, a great many broadcasters will feel the Commission has lost a valuable member.

Representative Horton (R-Wyoming) took the FCC to task this week for its latest questionnaire. He said it was a "serious matter" and deserved "early attention by Congress".

So outspoken was Elliott Roosevelt, President of the Texas State Network, at the FCC Monopoly Hearing this week that we are printing a great deal of his testimony in another part of the REPORTS. Probably every broadcaster in the country is entirely in accord with Mr. Roosevelt's expressed views on censorship, licensing and libel, while a great many members will agree with Mr. Roosevelt on other frank statements he made. Chairman McNinch's questioning was quite revealing, too.

North Dakota and New Mexico Legislatures passed new music monopoly bills while a similar measure was introduced in Colorado.

Emily Holt, Executive Secretary of AFRA, assured the NAB that a ban on WPA jokes adopted by the American Federation of Actors, an affiliated union, would not affect radio actors. The AFA ban was the first attempt by any entertainment union to censor its members' material as far as is known.

NAB Reports
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WHITE ASKS INVESTIGATION OF FCC, INDUSTRY

A complete investigation of the Federal Communications Commission was asked by the Senate Committee on Interstate Commerce by Senator White of Maine in a resolution (S. Res. 94). The resolution, referred to the Committee on Interstate Commerce, follows:

Resolved, That the Committee on Interstate Commerce or a subcommittee thereof, as the committee may determine, is authorized and directed to make a thorough and complete investigation of:

1. The acts, rules, regulations, organization, and policies of the Federal Communications Commission.

2. Whether a censorship of communications has been practiced in the United States, the character and extent, and the principles which have been followed in the exercise thereof; whether the same has been exercised by the Commission, or has been influenced by other governmental departments, agencies, or officials or by licensees and against whom directed; whether broadcasting stations have been requested or influenced by the Commission or other governmental departments, agencies, or officials in any manner or degree to broadcast or to refuse to broadcast programs or parts thereof, or to permit or refuse opportunity for particular persons to broadcast; and in what circumstances, to what extent, and in what jurisdiction a broadcasting station shall be jointly or severally liable for words broadcast through its facilities, or by its officers or employees or whether stations shall be exempted from liability for words broadcast by its facilities.

3. The terms for which radio licenses for all classes of stations shall be issued and, in particular, whether a minimum length of term shall be fixed by statute for all classes of radio stations.

4. Whether a system of license fees shall be established, designed to produce sufficient revenue to meet the cost of maintenance of the Federal Communications Commission, or whether some other system of taxation for this specific purpose shall be enacted into law.

5. The extent to which and the circumstances under which the ownership, control, management, or interest in more than a single broadcasting station has become vested in any person or group of persons; whether such concentration of ownership, control, management, or interest has come about through assignment of licenses, through leases, stock ownership, arrangements with respect to management, or by other means and devices, and whether such transfers of ownership, control management, or interest in whatsoever form effected have been submitted to the Commission for approval and have received Commission approval or acquiescence; and whether such arrangements have seemed to recognize a right in a license or a frequency other than specified in the terms, conditions, and time of the license and beyond statutory limitations.

6. The extent to which broadcast stations are owned, controlled by, or are affiliated with newspapers or other publishing interests or by other media of information or entertainment, and the effect of such ownership, control, or affiliation upon competing newspapers not possessing such facilities and upon the public interest.

7. The development and present facts concerning broadcasting networks of chains, including the effects of chain association upon the licensee's control of his station; the effect of chain operations upon the financial results and status of chain-affiliated stations and of independent stations; the ability of chain owned or affiliated stations to render a local service, both sustaining and commercial; the duplication of broadcasting programs through chain broadcasting; and the desirability of special regulations governing chains and stations engaged in chain broadcasting.

8. The effects upon the broadcasting systems of the United States of the use of high power by broadcasting stations and whether there should be a limitation by statute or by regulation upon the power to be used; the experience of other countries in the use of superpower; and the effects of high power upon local stations and the service by them.

9. The character and extent of information required of licensees of broadcasting stations by the Communications Commission upon the filing of applications for construction permits, licenses, modifications or renewals of licenses, or assignments thereof or at other times.

10. Competition between communication companies in domestic service and competition between companies, both wire and radio, in communication between the United States and foreign countries; the financial results thereof to the competing companies; whether these results threaten the financial soundness of any of the companies, loss of employment, or other adverse effect upon labor; the efficiency of said companies; and, in particular, whether the merger or consolidation of communication carrier companies within the United States and in the field of foreign communications should be permitted in the public interest; and if to be permitted, the terms and conditions thereof.

11. Said committee is further authorized and directed to make a study of the policies and principles which should be declared and made effective in legislation providing for the regulation and control of communications by wire or radio, whether interstate or foreign.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and to act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate during the Seventy-sixth Congress; to require by subpoena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents; and to administer such oaths and to take such testimony as it may deem advisable.

Upon the conclusion of its hearings and study, or from time to time during the progress thereof, the committee shall report to the Senate the results of its studies and its recommendations as to legislation it deems advisable.

Judge Sykes Resigns

Judge Eugene O. Sykes, one of the five original members of the old Federal Radio Commission, tendered his resignation from the Federal Communications Commission to President Roosevelt on Thursday. Judge Sykes in point of service is the oldest member of the Communications Commission.

While Judge Sykes would not discuss his resignation on Thursday it is understood that he intends to enter private law practice and his resignation will become effective in the very near future.

Judge Sykes first took office on the old Federal Radio Commission on March 15, 1927, when the Commission was first organized. At that time he was made Vice Chairman and served in that capacity until he was elected Chairman on March 21, 1933, a position he held until the Federal Radio Commission was abolished and the new Communications Commission established.

He was born at Aberdeen, Mississippi, on July 16, 1876. He received his academic training at St. John's College, Annapolis, a noted institution of learning, the third oldest college in the United States, and at the United States Naval Academy. He received his LL.B. degree at the

University of Mississippi in 1897, and then began the practice of law at Aberdeen, Mississippi. He was Democratic presidential elector-at-large from Mississippi in 1904.

In 1916 Judge Sykes was appointed a Justice of the Supreme Court of Mississippi and soon afterwards was elected to the same office for a term ending 1925. He voluntarily retired from the bench in 1925 and resumed the practice of law.

Judge Sykes has attended several international radio conferences in an official capacity in recent years. He was named by President Coolidge chairman of the American delegation to the North American Radio Conference held in Ottawa in 1929. President Hoover appointed him chairman of the American delegation to the International Radio Conference held in Madrid in 1932, which lasted from early September until the end of December. At Madrid he was named chairman of the important technical committee. President Roosevelt named him chairman of the U. S. delegation of the North and Central American regional radio conference held in Mexico City in 1933.

Judge Sykes is a member of the Delta Kappa Epsilon, a Mason, an Elk, and a member of the Sons of Confederate Veterans. His home is at Jackson, Mississippi.

REPRESENTATIVE HORTON CRITICIZES FCC QUESTIONNAIRE

Representative Horton (R-Wyo) called to the attention of Congress this week the latest FCC questionnaire, in connection with the number of tax forms that business men are forced to fill out. He said:

"While we are talking about blanks and forms I want to call your attention to FCC Forms 705 and 706, and in doing so I am not disgressing too far from the question of taxes because this sort of thing piles up tax costs. This form was sent to me by one of the small broadcasting companies in my State, and despite the fact that they were told by the FCC that 'it wouldn't take more than an hour's work to fill out this financial report,' two men were kept busy 2 days in order to get the necessary information. Not only that, but this report followed closely on the heels of their 'twice-yearly' license application for renewal. This is a serious matter and is deserving of early attention by Congress. There is one broadcasting company that I do not believe has filled out this report, and that is the Federal Government. I think that it should, and I am interested in a report showing its activities. As a matter of fact this Congress should provide for an exhaustive investigation into the activities of the FCC in its relation to radio."

LIQUOR ADVERTISING BILL

Senator Wheeler (D-Mont) announced this week the appointment of a subcommittee of Senators Andrews of Florida, Johnson of Colorado, and Gurney of South Dakota to consider S. 517, "a bill to amend the Communications Act of 1934 to prohibit the advertising of alcoholic beverages by radio, and for other purposes," introduced by Senator Johnson of Colorado.

The purpose of Senator Johnson's bill is to prohibit any advertisement of, or information concerning, any alcoholic beverage, such advertisement or information is broadcast with the intent of inducing the purchase or use of any alcoholic beverage.

The Federal Alcohol Administration in each of its yearly reports has recommended that Congress take such action. Senator Johnson says he is hopeful of getting action on his bill at this session of Congress.

No date for hearings was set.

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Monopoly Hearing

The networks concluded their testimony this week at the FCC investigation of alleged monopoly in the broadcasting industry. Outsiders who asked to be heard are to go on the stand next week. A day-by-day account of the hearing:

MARCH 2

Arthur W. Scharfeld, appearing for the Arrowhead Network, explained that the network's three stations belonged to the same licensee and thus did not constitute a network in the sense of the Commission's Order No. 37.

Harold E. Smith of Albany, N. Y., explained that the Empire State Network, operated for 43 days during the 1938 campaign. Whether it ever would resume operation was "indefinite," he said.

G. C. Hamilton of Sacramento, General Manager of the California Radio System, explained that the California System was a co-partnership between the McClatchy Broadcasting Company and Hearst Radio when it started in 1936. Hearst retired in November, 1937, giving full control to the McClatchy Broadcasting Company, a subsidiary of McClatchy Newspapers. Mr. Hamilton then discussed the relationship between the network and affiliates, and other phases of operation, in much the same respects as had the previous witnesses.

Martin Campbell, General Manager of Station WFAA, Dallas, testified in behalf of the Texas Quality Network. He explained it was not incorporated, had no officers and kept no books. He described the network as "a cooperative sales group of stations." All the members were NBC affiliates, he pointed out. The network's only sustaining program came from Texas A. and M. College each morning from 11:30 to 11:45. Rates were the stations' card rates.

William Weisman of New York, Vice-President of the Knickerbocker Broadcasting Company (WMCA), described the Inter-City Broadcasting System.

MARCH 7

Elliott Roosevelt, President of the Texas State Network and son of President Roosevelt, described the formation of the Texas

Network last August 1 and explained the finance of it. From the beginning of operation September 15 through January 31, the network had lost $105,000. He testified and predicted that the loss for the first full year would be about $3,000 since the network now was making a "small profit."

Mr. Roosevelt then set into the financing problems which he said radio stations generally encountered because of short-term licensing and the F. C. C. policy on sale of stations.

"No bank could make a loan purely on the business of a broadcasting station," he said. "The bank is using its depositors' money and with the uncertainty of the continued operation of the broadcasting station on the basis of the six months' license no bank could justifiably make any loans. . . .

"The radio industry has apparently not as yet felt the stifling effect of lack of adequate financing, largely because, in my opinion, of the stability and dependability of the personalities who have associated themselves with our business. In our case, for example, the Texas State Network could never have gotten under way without the help of Mr. Richardson and Mr. Rosser, who happen to be men who were public-spirited and desirous of doing a job in the public interest, and in addition they happened to have enough cash in their own names that they were willing to gamble the necessary money for this network operation to start. The same thing could be said of almost all of the affiliated stations with this network. The people who have gone in and founded those stations did not do it because they felt that they were making an investment in a sound business. They did it because of their public-spirited attitude.

"There has been lots of loose talk about trafficking in licenses and the broadcasters realizing huge profits from the sale of licenses. This talk, in my opinion, is largely engendered by a lack of appreciation of the difference between trafficking in licenses and the legitimate sale of the stations. I feel that trafficking in licenses would seem to me to take place in one of two ways, first of all, where a person secures a construction permit to build a station with no intent to construct or operate that station and, secondly, those who seek to sell this right to others for a profit after securing the permit, or else where the man buys a station with no intent of operating it but for the sole purpose of disposing of the station at a profit.

"On the other hand, a legitimate sale of a station is where a person in good faith constructs and operates it or purchases and operates it and builds up the business on the station and then, through circumstances, is forced to sell the station. He may, for any number of reasons, wish to dispose of the station, and, say he has built up a business which brings him a substantial yearly profit, then if he is required to suffer a loss in disposing of the station because in the minds of some he might be trafficking in a license, he is really in a position where it is very difficult for many of us to feel that there is a real reason to build up a station because we don't know whether we are able to dispose of the property or whether the property has a value based on earnings that we have built in the station through our own efforts in the community in which we are operating the station.

"I think sometimes criticism is made that radio stations project their potential earnings as a basis for the sale of the station beyond their six months' license period. Well, I just feel that it is true that stations are required to make capital outlays which could not possibly be earned back in a six months' period. Therefore, we must necessarily project our earnings 'way beyond any six months' license period.

"After all, this is not the Commission's primary interest—rather I feel that it is the Commission's primary interest, and that is, insuring the people of the United States the best radio service which this country is capable of producing. If the buyer of the station can continue to render a high grade radio service and can improve upon that service I cannot see what difference it makes whether the station sells for a dime or for a million dollars, as long as you continue to regulate the buyer just as you do the seller, and make sure that the type of operation is such that it is in the best interest of the public.

"I don't know of a single industry of comparable size which is required to apply each six months for the right to continue in business. The railroads, for instance, and the airlines are given certificates of convenience and necessity which allow them assurance of continuation, and I feel that it has not lessened on their operations in any degree the regulatory authority exercised by the government over them in the mere fact that they have a vested right in the license or certificate that is given to them. The government can step in and take it away from them at any time that they don't operate in the public convenience and necessity.

"Over and above that, it is my feeling that if we were allowed to secure assurance of continued life so long as we operate in accordance with the law and the regulations of the Commission that we should be placed on a sound basis like every other business. We feel, and I know that it is the sentiment of most of the smaller radio station operators in the country—I can't speak for the larger stations because I don't happen to be in that end of the business—but I know that if we were allowed to be honest and place a direct valuation on the license which we have, which after all is the good-will and the type of operation which we build up in our community, if we can place a valuation on that and the banks can be made to see the investment possibilities that there are in radio, that it will go a long way toward making radio a very much better industry for the people of the United States as a whole.

"I feel that the Commission, as such, really could recommend to Congress that legislation should be enacted to give radio stations certificates to operate which are revokable upon showing that they have failed to operate according to the law and I also feel that the regualtions should be clarified, more clearly defined as to what is failing in operation in the public interest, convenience and necessity. After all, I notice that in the Act there is the phrase, "public interest, convenience and necessity," but I have yet to have it explained to me exactly what public convenience is in a radio station and I would like also to have somebody explain to me what the public necessity of a radio station is, outside of the educational and entertainment values, and religious and so forth values that we have in bringing messages directly into the homes of the people of this country.

"If the regulatory right of the United States Government is not diminished, what logical reason can be advanced for holding the radio industry under such a short lease of life? We should be made the most stable industry in the country if we are to be able to be worthy of the tremendous trust which is given to us when we are given such a tremendously important method of reaching the people and are told you must operate this on behalf of the people.

"If you will look back to 1927 when the Radio Act of 1927 was passed and scan the intervening years to 1939 and then ask yourselves how may radio stations have been denied renewals of license, you can almost count them on the fingers of your two hands.

"I am confident that legislation could be enacted giving radio stations certificates which will not take away from the Commission any of its authority that it now exercises and which, in turn, would enable the radio industry to face the future with far greater confidence and far greater stability, so I feel that as a general picture the radio industry needs the help of the United States Government at the present time in putting its house on a firm basis instead of on a haphazard basis such as it now sits on."

Chairman Frank R. McNinch and Mr. Roosevelt then engaged in a long exchange on these views, during which Mr. Roosevelt suggested that the industry would like to pay the bill for its own regulation. He also told Mr. McNinch that "the majority of station owners in the United States today have entered the business, first of all because they had a very definite civic and community spirit and felt that they were rendering a service in their territory by going in and putting the money in that they did into the operation of radio stations."

Mr. McNinch asked Mr. Roosevelt at that point whether that accounted for "the scrambles for frequencies that is evident before this Commission all the time."

"Yes," replied Mr. Roosevelt, then added that broadcasters also had a feeling that radio properties would be of great value when "this business will be put on a sound basis."

Mr. McNinch questioned Mr. Roosevelt closely about the program policy on the Texas Network, stressing the handling of controversial questions and religious programs. Mr. Roosevelt explained that all parties of the controversial issues were given equal opportunity on the Network and that the religious rate in the case of many stations was 60% of the commercial rate. "Politicians paid the one time open rate for time used no matter how many times they used it," he added.

Regarding program standard in general Mr. Roosevelt said:

"Well, radio is probably the greatest force for good or evil that exists in the world today. We have seen the use to which radio has been put in the totalitarian states where its use is subjugated to the will of dictators. I think that radio can play a tremendously important role in advancing the principles of our form of government, as well as defending our form of government from the so-called "isms" that we have today which are repugnant to us in this country.

"In order that radio may be used as a potent force for the defense of democratic institutions, radio must, of course, be used in a democratic way. Therefore when we organized the Texas State Network, we organized it with the following policy regarding programs: We said that every side of every political or public controversial question must be given an equal opportunity, on an equal basis, to discuss its views. We are merely operating a medium for a wide dissemination of intelligence, and we, therefore, have no right to decide what shall be said pro or con on any question. We have the responsibility of guarding the public, of course, against profanity, indecency, obscenity, and defamation, and we believe that the public is entitled to know what to expect in a radio address and should not be beguiled into listening to propaganda spoken by one who is broadcasting under the guise, we will say, of a comedian, or to a political talk under the guise of a sermon, or the grinding of a personal ax under the guise of general interest broadcasts. Therefore, we will insist that these and kindred subjects be properly labeled as a political talk, whether given by a preacher, politician or school teacher, or as propaganda for or against a certain movement, whether the broadcast is by a preacher, a government official or a taxpayer.

"We believe that the better informed the public is on all questions of general interest, and on all sides of such questions, the more intelligently it can act. If only one side of a question gets to the public by radio, radio is not being used in a democratic way. Any coercion or pressure exercised by the licensees of radio stations, or by any administration in power, to censor or deny to one group the use of the air while aiding another group to express its views by radio, will lay the foundation for the destruction of our form of government in this country, in my opinion. If freedom of speech by radio is ever infringed upon, then it will be but a short step before the infringement of that right goes into newspapers and every form of political, or spoken utterance in this country.

"I think that radio should be regulated by a law under which no one need fear, even if that law is administered by his worst enemy.

"The temptation, after all, is great for the operators of radio stations to assume more authority than they have, and it is a greater temptation for a government to influence the licensees of radio stations as to what should or should not be broadcast through the indirect method of holding over the head of the licensee the threat of taking away his rights to broadcast. In either case, we feel that yielding to that temptation is contrary to a democratic radio structure. In addition, we feel that the radio industry has progressed so rapidly in this country that the law should be given an opportunity of catching up, to put it briefly. Our feeling is that there is not any clear definition. We feel that there should be more in the law about the labeling of programs so the listener can tell just what he is listening to, whether it is facts or whether it is just one person's or one group's opinion.

"We have seen within the last year or so quite a bit of discussion on the censorship of radio, and we feel, in our organization, that the law could be clarified and proper labeling systems set up right in the law so that there would be absolutely no danger of ever allowing censorship to creep in, because once it creeps into radio in this country then we might just as well fold our tents as we will be just like every other country which today is losing its democratic form of government, and, after all, radio is the greatest method that there is today to speak to the people."

Toward the end of the day, after a great deal more explanation of the workings of the Texas State Network, Mr. Roosevelt told the Commission that the Communications Act of 1934 needed "a little streamlining."

This prompted the following statement by Mr. McNinch:

"Mr. Roosevelt, you have said what I think all who have given any thought to the subject will agree is the situation, that the present statute is not up to date in the sense that the industry has advanced rapidly during the past four years, both from an engineering and from a functioning standpoint, and you commented on the fact that there is a good deal written about censorship and also as to the fear of censorship. I am wondering if you have in mind anything concrete that you would suggest? In addition to the flat declaration in the statute now that there shall be no censorship, how would you better provide against it?"

The following exchange then took place:

The Witness: Mr. Chairman, I should like to make this statement with regard to censorship. I believe that there is—although the Commission may not realize—a censorship of fear at the present time operating in the radio industry. That is largely regulated and exists because of a lack of knowledge of just exactly what can be done and can't be done in the way of radio broadcasting today. There are no set rules, and I believe that many stations are today fearful of what rights they actually have and do not have, that if they carry certain types of programs that they may be in danger of reclamation, in the form of possibly losing their license, if the Commission did not happen to think that that program was in the public interest.

Chairman McNinch: You are, of course, familiar with the fact that Section 326 carries this language, Mr. Roosevelt: "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication." You know that that is in the statute, do you not?

The Witness: Yes, sir.

Chairman McNinch: Do you not know that if the Commission should take any action that would be contrary to that section of the statute that the courts would very promptly give relief against it?

The Witness: Yes, sir, I believe that is true. I am merely stating what is the general feeling in the industry, that there should be a more clear definition of just what would be regarded as a program which is not in the public interest. Today, we have no laws in this country which protect the radio stations in any way; we have no libel laws which would enable us to be exempt from being subject to suit for what someone else says over our radio stations, and we are today in a position where we have to request copy in advance on political broadcasts, for instance, in order to make sure that there is nothing in there which is of a libelous nature which might hurt us. Yet, at the same time, we feel that actually that may be operating in the direction of an actual censorship of what is said, even though we have no clear definition of what is right and what is wrong that can be said over the air. And we have no limit of our liability for what the other fellow said.

Chairman McNinch: If exercised at all in the direction of censorship, that would be a censorship exercised by the station though, would it not?

The Witness: Yes, sir. I think though that there should be something in the law with regard to limiting the liability of radio stations for what might be said by someone departing from their script and making remarks over the air about an individual or group which were of a defamatory character and which could be construed as not being in the public interest.

Chairman McNinch: I am not prepared at all to take issue with you about that. But to do that, you would want some sort of limitation, would you, or not, put upon the power of the station in the selection of material?

The Witness: How is that, again, Sir?

Chairman McNinch: In order to afford you the protection against libel that you refer to, would you want a statute to put some limitations upon the right of the station management in the selection of its material that goes over the air?

The Witness: I believe that the station management should be required by statute to properly label all material that goes out over the air, and they should be held responsible for proper labeling. Once having done that, if someone then utilizes that air in a manner which is deemed as being libelous, I believe that then that person should be held liable and not the station itself.

Chairman McNinch: What I was inquiring about, and am very much interested in, is to know how better you would suggest that the prohibition of censorship by the Commission—not by the station—can be stated than in the emphatic language that is in the Act, when it denounces censorship, saying that there shall be no power, nor shall the Commission devise any rules or regulations which would interfere with free speech or amount to censorship? Can you add anything of substance or meaning to that statutory prohibition?

The Witness: Well, we feel this way: that the law is emphatic in its statement to a certain extent, but we do feel that there is, to a certain extent, the possibility that if a type of program should be broadcast which did not meet the approval of the Commission —that there still is a possibility and not that this Commission has ever utilized that power—through the power of taking away a license, the Commission could exercise a form of censorship.

Chairman McNinch: But the Commission has not, so far as you know?

The Witness: No, sir.

Chairman McNinch: Now, would you want to take the position that, regardless of the character of program material, the Commission in determining whether or not a station has been operated in the public interest during the preceding six months should be deprived of any power to say that programs had not been in the public interest?

The Witness: I believe that the Commission should primarily concern itself with seeing that nothing of a profane, defamatory, or unclean type of broadcast should get out over the air, and beyond that point, I do not think that the Commission should be particularly interested in the regulation of the type of program.

Chairman McNinch: Take your term "unclean" which is not in the statute—the statute denounces matters which are obscene, or vulgar, or profane, but you say "unclean."

The Witness: Well, that is merely another word for those three?

Chairman McNinch: Well, but is it? May not a thing be unclean in the estimation of the general public but not be vulgar, not be profane and not be obscene? May it not be suggestive, and so suggestive, as to be offensive to the whole public?

The Witness: I think that anything of a suggestive nature comes under the term of a vulgar type of program.

Chairman McNinch: But unless it did come under that, unless the courts would sustain it as being suggestiveness of a vulgar type, then the Commission would not have any authority under the present statute, according to your—

The Witness: I believe though that any court would sustain that.

Chairman McNinch: That is speculation. We often miss our guesses on what courts will do. But you believe that outside of those three categories, the station should be entirely free and should never be called to account for program material, if it is not obscene, vulgar, or profane within the meaning of the statute?

The Witness: Yes, sir, as long as it properly labels its broadcasts.

Later after considerable discussion of station's profits with Mr. McNinch, Mr. Roosevelt suggested that the Commission remove its requirement that transcriptions be announced as such and then suggested that "it would be of interest to the Commission to look into the whole subject of transcriptions and whether the present set-up does not operate on behalf of the networks."

He added:

"There is also a feeling in the back of my mind, in view of a newspaper article that I saw not very long ago concerning the Columbia Broadcasting System's option to purchase the largest independent transcription in the business. It seemed to me that that was a clear move on the part of Columbia to catch up with NBC which, as we all know, is affiliated with RCA and RCA is in the transcription business. When they put on a live broadcast, they have a ruling which prohibits the advertiser who pays for that live broadcast from making a transcription of that broadcast unless he does it through RCA. I am just wondering whether maybe Columbia is not planning to do the same thing through the purchase of the World Broadcasting System, and if they do that, is that not going to operate against the best interests of the independent stations of the country who are not affiliated with those two networks?"

Mr. McNinch replied that: "In about two weeks, we are going to get to that whole subject, because we, as the Commission, believe there is a great deal to be discovered there of interest and that will be very much worthwhile to the Commission in dealing with the problem of transcriptions."

Asked about his views on "exclusive" network contracts, Mr. Roosevelt said:

"I have operated since I have been in the radio business various NBC stations and various Columbia stations, and I am familiar with their contracts. In my opinion, those contracts are contrary, for the most part, to the purpose for which the radio stations were licensed. You can take the contract of the Columbia Broadcasting Company, their standard contract that is in force on their southwest stations—I operated the Columbia station in Oklahoma City and the one in San Antonio for a considerable length of time. That contract calls for an option on 100 per cent of the time of that station, and it was subject to clearance on 28 days notice. No matter what advertiser or what group were utilizing that time, the man up in New York or in Chicago or in Los Angeles who wanted to use that time on the station, he could have it. In my opinion, that is contrary to the purpose for which that station was licensed, because it was licensed to serve San Antonio and the surrounding territory that its frequency covered, and, therefore, I feel that the local advertisers have been very much mistreated through the type of contract that has been employed by national networks. As operated, in my opinion, the network stations are selling their birthrights and their reasons for being in business."

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Still on the stand, Mr. Roosevelt said that he felt that the regional network was "more in the public interest than the National network" because of its adaptability to meeting and serving the public interest so far as regional problems in that section are concerned."

He suggested that there was a necessity for a tieup of regional operations into a national structure for broadcasts of national and international public interest—a structure that "can be divided into regional structures which should be operated as independent units."

He also suggested that super power would be detrimental to the best interests of radio but that all 50,000 watt stations might be compelled to install 500,000 watt equipment for use in emergencies.

After discussing his own work as a commentator, and the present NBC rule about transcribing commercial programs, Mr. Roosevelt expressed the opinion that broadcasters would be far better off if they kept out the Artist Bureau and Concert Corporation business. He also said something should be done about Mexican broadcasts.

George C. Davis, Washington, D. C., the next witness, discussed the engineering phases of the Texas network's operation.

Leon Levy, W C A U, explained that the Pennsylvania network operated during the 1938 campaign for the convenience of politicians who wished to use several stations simultaneously.

That brought to a close the presentation of testimony by the industry. Next week those persons and organizations outside of the industry who filed appearances are to be heard.

Legal

NORTH DAKOTA, NEW MEXICO PASS NEW MONOPOLY BILLS

The legislatures of North Dakota and New Mexico have enacted new laws seeking to curb the activities of pools controlling public performance of copyrighted music, and the statutes of both states are before the respective Governors for approval. Both statutes are substantially similar and are said to be within the constitutional rights of the state legislatures as defined by the United States Supreme Court. It is reported that passage was strenuously opposed in both states by ASCAP. Legislation with a like objective has been enacted in Montana (NAB Reports, February 28, p. 3315) and now is the law of that state.

The North Dakota and New Mexico statutes compel copyright owners licensing performance rights in the state to make full disclosure of the material licensed by them. Blanket licensing at blanket fees by combinations of copyright owners is permitted provided the individual members of a combination also afford users the option of buying portions of the combined catalogues at prices determined by the owner and not determined by the combination. It is said this provision of the statute permits small users to acquire performance licenses only on such material as is needed by them and establishes competition between the members of "pools" in such instances. The North Dakota statute prohibits a charge by copyright owners on programs which do not use music controlled by the licensor. This provision will prevent any new licenses being issued similar to ASCAP's general broadcasting license, which requires the payment of five per cent on programs not using ASCAP music. The statutes provide for a three per cent tax on income derived from licensing and require that, in any suits brought by a copyright owner, compliance with the provisions of the statute must be established.

The North Dakota statute is reprinted below in its entirety:

"An Act relating to copyrights and public performing rights in musical compositions and dramatico-musical compositions, requiring lists thereof to be filed, regulating the issue of licenses with respect thereto, prohibiting discrimination, providing for service of process, levying a privilege tax, providing penalties, and repealing inconsistent acts.

"Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Secretary of State a list in triplicate describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. No payment or filing fee shall be required by the Secretary of State for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Secretary of State to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringement of said works. A duplicate of any list so filed by any such person shall at his request be certified by the Secretary of State and shall by the Secretary of State be given or delivered to such person, who shall exhibit the same on demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Secretary of State, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications. Any copyright owner, or such association acting in his behalf, may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Secretary of State, at any time, at the election of such owner or such association acting in his behalf, changes in prices to become effective seven days from the date of filing thereof. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition, to make any charge or to contract for or collect any compensation as a condition of using said performing rights based in whole or in part on any program not containing any such composition, and any such charge or contract for compensation shall be valid and enforceable only to the extent that it is based and computed upon a program in which such composition is rendered. The schedule of prices provided for herein shall be made available by the Secretary of State to all persons for examination and the taking of copies.

Section 5. Any person issuing a blanket license for performance rights shall file with the Secretary of State within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to performing rights.

Section 6. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall likewise execute and deliver to the Secretary of State, on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on the authorization last filed by him.

Section 7. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Secretary of State as such, of each or all of the lists, license agreements, affidavits and other documents filed with the Secretary of State pursuant to the requirements of this Act, shall be furnished by the Secretary of State at his option to any person upon request at the prices regularly charged by the Secretary of State for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 8. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three percent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this state, payable to the State Treasurer for the benefit of the general fund of the state on or before the fifteenth day of March, 1940, with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. The State Treasurer shall adopt and publish rules and regulations not in conflict herewith, as well as a form of return and any other forms to carry out the provisions of this section.

Section 9. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 10. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this State.

Section 11. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Section 12. If any section, sentence, clause or word of this Act shall be held to be unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion of this Act, it being the intent of this legislature to enact each of the provisions of this Act insofar as they conform to the Constitution of this state and of the United States.

MUSIC MONOPOLY BILLS

A bill seeking to curb the activities of pools controlling public performance of copyrighted music has been introduced in the State of Colorado. This bill substantially follows the provisions of the statute passed in 1937 by the States of Washington, Montana and Tennessee. Bills to curb the activities of alleged music monopolies have been introduced in Arkansas, Colorado, Connecticut, Illinois, Indiana, Kansas, Michigan, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oregon, Pennsylvania, Washington, and other states. The majority follow the same principles involved in the new legislation in Montana, North Dakota and New Mexico, reported elsewhere in this issue.

PHONOGRAPH RECORD BROADCASTING

Now awaiting decision before Judge Leibell in the United States District Court for the Southern District of New York is the case of RCA Manufacturing Company vs. Paul Whiteman et al. The trial was completed last December and briefs were submitted to the Court in February.

RCA claims (a) that it has common law rights in the Victor and Bluebird records manufactured and sold by it; (b) that these rights are not lost by publication in spite of the sales to the public; (c) that the restrictive notices on the record labels and envelopes regarding broadcasting are legal and enforcible; (d) that Whiteman should be enjoined from attempting to license radio stations to broadcast these records because he had conveyed his rights to RCA and also because RCA had certain common law rights in the records by reason of the skill and labor employed in making the records; and (e) that the radio station and sponsor named as defendants should be enjoined from broadcasting records of Whiteman and of certain other leading orchestras.

The broadcasters' position was submitted to the Court in the briefs of Stuart Sprague, special copyright counsel engaged by NAB in this matter, who asserted (a) that there are no common law rights in phonograph records; (b) that any such rights as may have existed were lost upon the public sale of the records; (c) that the restrictions on the use of the records could not legally be made to follow the records after being sold in the regular channels of trade; and (d) that unfair competition was not established by RCA.

No decision is expected before the last of March or April.

NEW LEGISLATION

CONGRESS

H. R. 4684 (Mr. McLeod, Mich.) COMMUNICATIONS ACT —To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee.

S. Res. 94 (Sen. White, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the F. C. C. with respect to censorship of communications, ownership of broadcasting stations and other matters. Referred to Interstate Commerce Committee.

STATE LEGISLATION

Colorado:

S. 415 (Ritchie) COPYRIGHTED MUSIC—To prohibit price fixing monopolies and combinations in copyrighted music and to prescribe regulations of licensing methods within the state.

Delaware:

S. 79 (Simmons) FOODS—DRUGS—COSMETICS—REGULATIONS—Regulating foods, drugs, cosmetics; prohibiting manufacture, sale or delivery of adulterated misbranded articles. Referred to Public Health Committee.

Georgia:

H. 532 (Trippes et al) PURE FOOD AND DRUG REGULATION—Relating to the prevention of the adulteration, substitution, misbranding and false advertising of food, live stock remedies, birth control devices, devices for the treatment and prevention of disease, cosmetics, etc., and to forbid the sale or use of unhealthful chemical products. Referred to General Agriculture No. 2. Reported by Substitute 3-1-39 in House.

H. 587 (Marshall) SMALL LOANS—INTEREST—Regulating the business of making loans or advancements of $300 or less at a greater rate of eight per cent per annum. Referred to General Judiciary No. 1.

Missouri:

H. 543 (McGuire) SHORT WAVE RADIO—OFFICERS—Requires county court judges to provide sheriffs' and officers' automobiles with locked-in radio receiving sets.

S. 307 (Donnelly) RADIO LIABILITY—Relates to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and their servants, agents and employees for radio defamation.

New Jersey:

A. 317 (Farley) MUNICIPAL RADIO STATIONS—Concerning the creation and regulation of a separate fund for the operation of radio stations or municipal convention halls, or both, in municipalities bordering on the Atlantic Ocean, and amending Sections 40:62-33 and 40:62-34 of the Revised Statutes. Referred to Judiciary Committee.

A. 405 (Kerner) MOTION PICTURE FILMS—CENSORSHIP—Regulating the sale, lease and exhibition of motion picture films and stereopticon views; creates a State Board of Censors. Referred to Ways & Means Committee.

New York:

A. 1602 (Ostertag) EMPLOYMENT AGENCIES—Regulates private fee charging employment agencies. Referred to Judiciary Committee.

North Carolina:

H. 542 (Taylor et al) LOUD SPEAKERS—Regulating and controlling the operation of loud speakers on radios and victrolas within one mile of the corporate limits of any city or town in Wayne County. Passed 3-2-39.

Vermont:

H. 271 (Laber) COMMUNICATION SYSTEM—Providing for the establishment of a communication system for the inspectors of the motor vehicle department and sheriffs of each county. Referred to Highway Traffic Committee.

Labor

BAN ON WPA JOKES

Emily Holt, executive secretary of AFRA, and Ralph Whitehead, executive secretary of the American Federation of Actors, assured the NAB this week that AFA's ban on WPA jokes would not affect broadcasting.

Many AFRA members also belong to AFA, the vaudeville and night club union. When AFA ordered its members to stop making any cracks about the WPA, there was some question as to whether AFA members would refuse to read radio scripts that included WPA jokes.

Mr. Whitehead joined Mrs. Holt, however, in saying that the rule applied only when AFA members were working in AFA territory, that is, in night clubs and vaudeville.

In AFRA's jurisdiction, actors took the scripts that were given to them, Mrs. Holt added. AFRA had no intention of making a similar rule, she said.

THIRTY-HOUR WEEK

The International Brotherhood of Electrical Workers (A. F. of L.) has instituted a drive for a 30-hour work week. The union reports that 31 lighting equipment shops in New York City already have signed 30-hour contracts.

A. F. OF L.-C. I. O. PEACE

The first two peace conferences between the A. F. of L. and C. I. O. committees failed to produce anything other than intensified bitterness on the A. F. of L.'s part. Privately A. F. of L. leaders are saying that John Lewis is just trying to put them in a bad spot with his proposals, and doesn't want peace at all.

There is a distinct possibility that they are right.

FCC QUESTIONNAIRE

Again the NAB Labor Department points out the importance of filing with the NAB copies of payroll statistics asked for in the FCC questionnaire. Scarcely a day goes by that the department does not receive a request for payroll information from a member who is negotiating a union agreement. The NAB can fill these requests satisfactorily only if the membership cooperates by filing the FCC material and COPIES OF ALL UNION CONTRACTS.

FREE OFFERS

The NAB has notified Cox and Tanz that cost-per-inquiry advertising such as they proposed in their letter of March 1 is banned by the NAB Code of Ethics.

Helen Gwetholyn Rees of New York, is suggesting the use of glycerine in preparing Lenten fish dishes. We bet the glycerine industry has something to do with Miss Rees' interest in good fish dishes.

The National Federation of Post Office Clerks is offering scripts, to be read by the union's local members, about post office oddities.

BY-LAWS AMENDMENTS

Article XIII of the By-Laws reads as follows:

"Section 1. These By-Laws may be amended, repealed, or altered, in whole or in part, by a two-thirds vote at any annual meeting of the Association provided the proposed change is submitted by mail to the last recorded address of each member at least thirty days before the time of the meeting which is to consider the change." Headquarters will be glad to send out to the members any changes which any member desires to propose, provided they are received at Headquarters by June 1.

STATE ASSOCIATIONS

Neville Miller has appointed the following committee to study the question of the affiliation of state broadcasters' associations with the NAB and to make recommendations to the Board of Directors:

W. Walter Tison, WFLA. chairman; Ralph R. Brunton, KJBS; John Shepard III, Yankee Network; Richard H. Mason, WPTF; Leonard Reinsch, WHIO; Martin Campbell, WFAA, and Dietrick Dirks, KTRI.

Mr. Miller suggested that the committee do its preliminary work by correspondence and meet at the NAB Convention.

FCC ANNOUNCES POLICY ON HIGH FREQUENCY LICENSES

The Federal Communications Commission this week announced a policy in regard to the consideration of applications for renewal of licenses of all the existing high frequency broadcasting stations. The Commission has licensed 49 high frequency broadcasting stations, all on an experimental basis. The licenses expire April 1.

The Commission set down three principles for its guidance in studying the applications for renewal. They are as follows:

> 1. When the applicant does not show that it has carried on any worthwhile experimental work during the last period, the application be designated for hearing.
> 2. If some work has been done, but of no great significance, then the licensee be informed of the work it must do during the next period and a commitment be obtained from the licensee before granting the renewal.
> 3. When the applicant has carried on a reasonably diligent experimental program and proposes to continue this work, a letter be prepared reviewing this course and making any suggestions for work that may be done during the next license period.

Of the 49 high frequency broadcasting stations licensed, 42 use amplitude modulation and 7 use frequency modulation.

COURT REVERSES FCC

The United States Court of Appeals for the District of Columbia on Monday reversed an F.C.C. decision denying a construction permit for a new station at Hannibal, Missouri, to the Courier-Post Publishing Corporation.

The company applied to the Commission for a permit for a new station to use 1310 kilocycles, 250 watts day, 100 watts night. The Commission denied the application but the Court reversed the Commission and remanded the case. The Publishing Company had appealed to the Court from the decision of the Commission.

The court held that the appellant has sustained the burden of proof that there is a public need for a local station in Hannibal and ruled that the finding by the Commission that public convenience, interest and necessity would not be served in granting the permit for a local station is "in law arbitrary and capricious."

FCC PRESS INFORMATION

The press information set-up at the Federal Communications Commission has been the subject of some controversy for some time. On Monday of this week the Commission issued the following statement on the subject:

> The Commission voted today to extend the present arrangement for a temporary information set-up until March 31.
>
> Chairman McNinch was authorized to ask the Administrator of the Rural Electrification Administration for a further detail of M. L. Ramsay until that time and to request a like detail of C. Alphonso Smith from the Soil Conservation Service.
>
> Commissioner Walker, seconded by Commissioner Sykes, moved adoption of Chairman McNinch's recommendation for the extension. Commissioner Craven proposed a substitute motion, seconded by Commissioner Payne, to request the detail of Mr. Smith alone, which was voted down 4 to 2, with Commissioners Craven and Payne favoring the substitute.
>
> Chairman McNinch's recommendation was then adopted unanimously, with an amendment by Commissioner Case requesting Mr. Ramsay to submit his final recommendations for a permanent information set-up by March 15, so the Commission would have more time to consider them.

FACSIMILE BROADCAST STATIONS

(As of March 1)

Licensee and Location	*Call Letters*	*Frequency (kc)*	*Power*
Bamberger Broadcasting Service, Inc., New York, New York	W2XUP	31600, 35600, 38600, 41000	100w
The Crosley Corp., Cincinnati, Ohio	W8XUJ	26000	1kw
The Evening News Assn., Detroit, Mich.	W8XTY	31600, 35600, 38600, 41000	150w
The Pulitzer Publishing Co., St. Louis, Mo.	W9XZY	31600, 35600, 38600, 41000	100w
Radio Air Service Corp., Cleveland, Ohio	W8XE	31600, 35600 38600, 41000	50w
Radio Pictures, Inc., Long Island City, N. Y.	W2XR	1614, 2012, 2398, 23100, 41000, 86000-400000	1kw
Sparks-Withington Co., Jackson, Mich.	W8XUF	31600, 35600, 38600, 41000	100w
Star-Times Publishing Co., St. Louis, Mo.	W9XSP	31600, 35600, 38600, 41000	100w
WBNS, Inc., Columbus, Ohio	W8XUM	31600, 35600, 38600, 41000	100w
The Yankee Network, Inc., Sargents Purchase, New Hampshire	W1XMX	410000	500w

FEDERAL COMMUNICATIONS COMMISSION

EXAMINER'S REPORT

The Sentinel Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for a new station at **Salina, New York,** to use **620 kilocycles,** 1000 watts, unlimited time with a directional antenna at night. The Civic Broadcasting Corporation also applied to the Commission for a construction permit for a new station at **Syracuse, New York,** to use **1500 kilocycles,** 100 watts, unlimited time. Broadcasting Station WHJB, **Greensburg, Pennsylvania,** operating daytime on **620 kilocycles** with 250 watts power, applied to the Commission to increase its power to 1000 watts, unlimited time.

Examiner Tyler Berry, in report No. I-763, recommended that all of the applications be denied. In the case of the Sentinel Corporation the Examiner stated that a need was not shown for a regional broadcasting service in the Syracuse area. There are already two regional stations in that city and the programs proposed by the applicant are virtually the same as those now being broadcast by the existing stations.

Dealing with the Civic Corporation application, it was also found by the Examiner that there was no substantial showing of the need for additional service in the Syracuse area.

In the request of WHJB to increase its power and use unlimited time, the Examiner said that "because of the severe limitations that will be imposed upon the operation of the station on the assignment requested by the Pittsburgh Radio Supply House and the interference which would result to established stations, the granting of this application will not serve the public interest, convenience, or necessity."

DECISIONS OF COMMISSION

The Federal Communications Commission granted the application of the Press-Union Publishing Company for the erection of a new broadcast station at **Atlantic City, New Jersey,** to operate on **1200 kilocycles,** 250 watts day, 100 watts night, unlimited hours.

It was found by the Commission that a public need exists for this service and "there is shown to be available sufficient commercial support and talent to give reasonable assurance of operation in the public interest." The Commission stated also that no objectionable interference would result to any existing or proposed station.

Commissioner Brown did not participate in this decision.

The application of WKEU, **Griffin, Georgia,** to change its frequency from **1500 kilocycles** to **1310 kilocycles** and its power from 100 watts daytime to 100 watts night, 250 watts LS, unlimited time was denied by the Commission.

It is stated by the Commission that the need shown in the Macon area for additional broadcast service "is not sufficiently compelling to warrant a grant of the application."

Commissioner Brown did not participate in this decision.

The Commission has granted the application of WNLC, **New London, Connecticut,** authorizing an increase in hours of operation from daytime to unlimited. The station operates on **1500 kilocycles** with 100 watts.

The Commission stated in its decision that the use of unlimited power will enable the station to render a satisfactory nighttime service "to an area which does not now receive such service." The operation of the station with the proposed unlimited time will not cause objectionable interference to any existing or proposed stations.

Commissioners Brown, Case and Payne did not participate in this decision.

The Commission has denied a petition for rehearing filed by W. C. Irvin, **Amarillo, Texas,** in the matter of his application for a new station to operate on **1500 kilocycles** with 100 watts night, 250 watts day, and adopted supplemental statement of facts, grounds for decision and order sustaining its original action taken November 1, 1938, in denying the Irvin application and granting the application of the Amarillo Broadcasting Corporation, Amarillo, Texas, for a new station to operate on **1500 kilocycles,** 100 watts, unlimited time.

Chairman McNinch and Commissioners Case and Brown did not participate in this decision.

FCC ORDER

The Federal Communications Commission on Monday issued an Order in the so-called Brooklyn case in which WBBC, Brooklyn, is asking for the facilities of WLTH and WARD, both of Brooklyn.

The Commission denied the motion of WLTH and WARD "to strike the proposed findings of fact on behalf of WBBC." WLTH and WARD were allowed 15 days in which to file answer with the Commission to the proposed findings and WBBC was allowed 20 days to file answer.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, March 13. They are subject to change.

Tuesday, March 14

Further Hearing

Broadcast

NEW—Wm. C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

Thursday, March 16

Oral Argument Before the Commission

Examiner's Report No. I-669:

NEW—Colonial Broadcasting Corp., Norfolk, Va.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Friday, March 17

WAGA—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; **1450 kc.,** 500 watts, 1 KW LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

April 3

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.,** 500 watts, unlimited time. Present assignment: **1340 kc.,** 250 watts, unlimited time.

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

April 17

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.,** 1 KW, 5 KW LS, unlimited time (DA—night). Present assignment: **880 kc.,** 500 watts, 1 KW LS, unlimited time.

May 3

NEW—Martin K. Calaway and Harry S. Hooper, Marysville, Calif.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

May 5

NEW—Thumb Broadcasting Co., Brown City, Mich.—C. P., **880 kc.,** 1 KW, daytime.

May 8

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., **940 kc.,** 1 KW, daytime. Present assignment: **940 kc.,** 250 watts, daytime.

May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans. (proposed studio, Kansas City, Mo.) (proposed transmitter, Kansas City, Kans.).—C. P., **1220 kc.,** 1 KW, 5 KW LS, shares KFKU (DA for day and night) (to move transmitter and studio). Present assignment: **1220 kc.,** 1 KW, 5 KW LS, shares KFKU.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., **1360 kc.,** 1 KW, unlimited time. Present assignment: **1360 kc.,** 500 watts, 1 KW LS, unlimited time.

May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

May 25

NEW—M. L. Medley, Cookeville, Tenn.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WAWZ—Pillar of Fire, Zarephath, N. J.—Granted modification of license to employ present directional antenna system for daytime operation also.

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Granted extension of special experimental authority to operate as a facsimile broadcast station from 12 midnight to 6 a. m., CST, for the period February 1 to August 1, 1939.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted C. P. to make changes in composite equipment and increase day power from 100 watts to 250 watts.

Columbia Broadcasting System, Inc., New York City.—Granted authority to transmit programs to a foreign station, CMCK, Havana, Cuba, from CBS in New York City, and other points throughout the U. S. where licensee maintains studios.

NEW—WBEN, Inc., Buffalo, N. Y.—Granted license for new facsimile broadcast station, provided applicant requests withdrawal of special experimental authorization of facsimile transmission over applicant's regular broadcast station; frequencies **31600, 35600, 38600** and **41000 kc.,** on an experimental basis only, conditionally; 100 watts.

Columbia Broadcasting System, Inc., New York City.—Granted extension of existing authority, expiring March 15, to transmit programs to Canadian Stations CFRB and CKAC, and to stations of the Canadian Broadcasting Corp., by means of wire facilities furnished by A. T. and T.

National Broadcasting Co., Inc., New York City.—Granted extension of existing authority expiring March 15, 1939, to deliver recorded programs to Canadian stations under control of the Canadian Broadcasting Corp.

National Broadcasting Co., Inc., New York City.—Granted extension of existing authority, which expires March 15, to transmit commercial programs to the Canadian Stations CFCF, CBL (formerly CRCT) and other stations under the control of the Canadian Broadcasting Corp., by means of leased wire lines through the regular chain facilities of the NBC.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted renewal of high frequency broadcast station license on a temporary basis only, and designated application for hearing because applicants have not furnished sufficient research or experimental report that will comply with Rule 1051, nor did applicants supply the research and experimental information that was requested by the Commission on March 7, 1938.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted renewal of high frequency broadcast station license on a temporary basis only, and designated application for renewal of license for hearing, because applicant has not submitted any tangible measurements pursuant to Rule 1051, and has not indicated he will carry forward any research or experimental program that will contribute a reasonable amount of information to the art.

W8XAI—Stromberg-Carlson Tel. Mfg. Company, Rochester, N. Y.—Granted renewal of high frequency (exp.) broadcast station license on a temporary basis only, and designated application for renewal of hearing, because applicant has failed to submit satisfactory program of research and experimentation as envisaged by Rule 1051; has provided no field intensity studies of service areas or of signal-to-noise ratios as determined by comparative reference or absolute measurements.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Application for C. P. for new station to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WBRE—Louis G. Baltimore, Wilkes-Barre, Pa.—Application for modification of license to increase night power from 100 watts to 250 watts. To be heard before the Commission. (Application designated for hearing to determine if interference might result, and because application is in violation of Rule 121).

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Application for C. P. to install new equipment and DA system; change frequency from **1210 kc.** to **1270 kc.,** and power from 100 watts night, 250 watts day, unlimited time, to 1 KW, unlimited time, employing DA system for nighttime operation. (Application designated for hearing because it requests facilities of KWLC and KGCA, and also because of the question of interference.)

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Application for C. P. to make changes in equipment, increase power from 50 to 500 watts, and move transmitter of high frequency broadcast station locally. (Application designated for hearing because applicants have not furnished data of studies made of signal-to-noise ratios as required by rules governing high frequency broadcast stations.)

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Application of WGBF to move transmitter site locally; install new equipment and DA system; change frequency from **630 kc.** to **1250 kc.,** and power and time of operation from 500 watts night, 1 KW day, simultaneous day, S-KFRU night, to 1 KW night, 5 KW day, unlimited time, employing DA system for night operation. (Application designated for hearing as it is contingent upon applications of KFRU and KXOK to change frequency, power and time of operation; also because of the question of interference.)

KFRU—KFRU, Inc., Columbia, Mo.—Application for C. P. to move transmitter site locally, exact site to be determined; install new equipment and vertical radiator; change frequency from **630 kc.** to **1370 kc.,** and power from 500 watts night, 1 KW day, to 100 watts night, 250 watts day, and time of operation from simultaneous day, S-WGBF night, to unlimited. (Application designated for hearing because it is contingent on applications of WGBF and KXOK.)

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Application for C. P. to move transmitter site locally from ½ mile northwest of Venice, Ill., to near Washington Park, Ill.; install new equipment and directional antenna system; change frequency from **1250 kc.** to **630 kc.**; and increase day power from 1 KW to 5 KW, employing DA system for both day and nighttime operation. (Application designated for hearing because it is contingent upon the applications of KFRU and WGBF to change frequency, etc.)

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDYL, Salt Lake City; KFKU, Lawrence, Kans.; KFSG, Los Angeles; KFWB, Los Angeles; KGBX, Springfield, Mo.; KGCU, Mandan, N. Dak.; KGGF, Coffeyville, Kans.; KGGM, Albuquerque, N. Mex.; KGVO, Missoula, Mont.; KHSL, Chico, Calif.; KIT, Yakima, Wash.; KLS, Oakland, Calif.; KMBC and auxiliary, Kansas City, Mo.; KOIL, Omaha, Nebr.; KOIN, Portland, Ore.; KPAC, Port Arthur, Tex.; KQW, San Jose, Calif.; KRGV, Weslaco, Tex.; KRKD, Los Angeles; KROW, Oakland, Calif.; KTFI, Twin Falls, Idaho; KTMS, Santa Barbara, Calif.; KTRH, Houston, Tex.; KTW, Seattle, Wash.; KUOA, Siloam Springs, Ark.; KVOA, Tucson, Ariz.; KVOR, Colorado Springs, Colo.; WAIR, Winston-Salem, N. C.; WAVE, Louisville, Ky.; WCAE and auxiliary, Pittsburgh, Pa.; WCAP, Asbury Park, N. J.; WCOP, Boston, Mass.; WCSH, Portland, Me.; WDAE, Tampa, Fla.; WDAY, Fargo, N. Dak.; WDEL, Wilmington, Del.; WDOD, Chattanooga, Tenn.; WEBC and auxiliary, Duluth, Minn.; WFBM, Indianapolis, Ind.; WFBR, Baltimore, Md.; WFBR, auxiliary; WHA, Madison, Wis.; WHIO, Dayton, Ohio; WIBA, Madison, Wis.; WICA, Ashtabula, Ohio; WISN and auxiliary, Milwaukee, Wis.; WJAS, Pittsburgh, Pa.; WJBO, Baton Rouge, La.; WKST, New Castle, Pa.; WNAD, Norman, Okla.; WNBX, Springfield, Vt.; WNBZ, Saranac Lake, N. Y.; WNEW, New York City; WNOX, Knoxville, Tenn.; WORC, Worcester, Mass.; WRC, Washington, D. C.; WREN, Lawrence, Kans.; WRR, Dallas, Tex.; WRR auxiliary; WTAW, College Station, Tex.; WTCN, Minneapolis; WTNJ, Trenton, N. J.; WTOC, Savannah, Ga.; KFBB, Great Falls, Mont.; KOL, Seattle, Wash.; KWSC, Pullman, Wash.

WJAX—City of Jacksonville, Jacksonville, Fla.—Granted renewal of license for the period ending September 1, 1939.

WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted renewal of license for the period ending September 1, 1939.

WBOE—Cleveland City Board of Education, Cleveland, Ohio.—Granted renewal of non-commercial educational broadcast station, for the period April 1, 1939, to April 1, 1940.

W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W2XJI—Bamberger Broadcasting Service, Inc., New York City.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W3XES—Monumental Radio Co., Baltimore, Md.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XH—WBEN, Inc., Buffalo, N. Y.—Granted renewal of high frequency broadcast (experimental) station license for the period April 1, 1939, to April 1, 1940, upon an experimental basis only and subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

MISCELLANEOUS

WNAC-WAAB—The Yankee Network, Inc., Boston, Mass.—The Commission reconsidered its action in setting for hearing applications for renewal of licenses, and granted the same.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time on March 4 and 10, in order to broadcast special event Junior Chamber of Commerce Barn dances.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted special temporary authority to rebroadcast the 440-cycle standard pitch as transmitted by National Bureau of Standards for the period March 20 to April 18.

WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 9:30 to 10 p. m., EST, on March 8, in order to broadcast special address on Americanism by Chief Justice D. Lindley Sloan.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, on Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period beginning Tuesday, March 7, and ending no later than April 5, in order to broadcast certain educational programs.

W3XL-W3XAL—National Broadcasting Co., New York City.—Granted special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COCX, for a period not to exceed 30 days.

W9XEA—Paducah Broadcasting Co., Inc., Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station; frequencies **38900, 39100, 39300** and **39500 kc.**, on an experimental basis conditionally; 2 watts.

W2XSN—Paul F. Godley, Alpine, N. J.—Granted modification of C. P. to extend completion date of construction from March 18 to September 15, 1939.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted modification of C. P. authorizing extension of completion date from March 7 to July 17, 1939.

WTOC—Savannah Broadcasting Co., Inc., Savannah, Ga.—Granted modification of C. P. authorizing extension of completion date from March 19 to September 19, 1939.

WFEA—New Hampshire Broadcasting Co., Manchester, N. H.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with terms of Rule 137.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on March 11, 18, 25 and April 1, in order to carry the complete programs of the NBC Symphony Orchestra.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 5 to 5:45 p. m., CST, on March 3; from 4 to 5 p. m., and from 7:45 to 9:45 p. m., CST, on March 4; from 4 to 5 p. m., and from 7:45 to 9:45 p. m., CST, on March 11, in order to broadcast Sectional and Regional High School Basketball Tournaments.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF with reduced power of 250 watts, from 7 to 9:30 p. m., CST, March 2, in order to permit WGBF to broadcast Basketball Section Tourney.

WGBF—Evansville on the Air, Evansville, Ind.—To operate simultaneously with Station KFRU as above in order to broadcast Basketball Sectional Tourney.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted special temporary authority to conduct tests during daytime hours in accordance with the terms of modified C. P., in order to make the necessary field measurements to determine the contours of the desired pattern during daytime hours for a period not to exceed 10 days.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y. —Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, March 3, 10, 17, 24, 31, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m., and from 2 to 6 p. m., AST, on Sundays, March 5, 12, 19 and 26, in order to broadcast baseball games; to operate from 9 to 11 a. m., and from 2 to 6 p. m., and from 10 p. m. to 12 p. m., AST, on March 22, 23, 24, 25, 26, in order to broadcast speeches and all details of the Great Industrial and Agricultural Fair, at Mayaguez and on the grounds of the College of Agricultural and Mechanic Arts.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.

KGCA—Charles Walter Greenley, Decorah, Ia.—Granted license to use KWLC's transmitter in order to transmit KGCA's programs through the facilities of KWLC, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Mason City Globe Gazette Co., licensee of KGLO for C.P., nor upon the application for renewal of license of KGCA nor upon any of the issues involved therein, nor that the Commission has found that the operation of the station is or will be in the public interest beyond the express terms hereof.

W6XDA—Columbia Broadcasting System, Inc., Los Angeles, Cal.—Granted license to cover C. P. for new high frequency broadcast station; frequencies **31600, 35600, 38600** and **41000 kc.**, on an experimental basis only, conditionally; 100 watts.

WGNY—Peter Goelet, Newburgh, N. Y.—Granted modification of C. P. to make changes in equipment and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

KDKA—Westinghouse Elec. & Mfg. Co., Pittsburgh, Pa.—Granted C. P. to move transmitter site locally and install new equipment.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted license to cover C. P. authorizing change in transmitter site, installation of directional antenna for both day and nighttime operation, and increase in power from 5 to 50 KW with installation of new equipment.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted license to cover C. P. authorizing new station to operate on **1250 kc.**, 250 watts, daytime only.

WFTC—Jonas Weiland, Kinston, N. C.—Granted license to cover C. P. authorizing move of transmitter and studio locations and installation of new vertical radiator.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied special temporary authority to operate unlimited time on **1180 kc.**, using 1 KW power night, for the period March 1 to March 30, in order to broadcast various civic, fraternal, etc. programs.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 7:30 to 8:45 p. m., MST, on March 9, in order to broadcast speech on special Rotary Club Program.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from local sunset (March, 6 p. m., EST), to 7 p. m., EST, on March 16, 17 and 18, in order to broadcast the final State Tournament of the High School basketball games to be played at Springfield, Vt., however, in event said games are played in the evening instead of the afternoon, then the time of operation to be from local sunset until 11 p. m., EST.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 6:30 to 11 p. m., CST, on March 17 and 18, in order to broadcast the Regional High School Basketball Tournament.

KFUO—Evangelical Lutheran Synod of Missouri, etc., Clayton, Mo.—Granted special temporary authority to operate from 1 to 3 a. m., CST, Saturday, April 15, using 1 KW power, in order to broadcast a DX program.

KLPM—John B. Cooley, Minot, N. Dak.—Granted special temporary authority to operate with power of 1 KW at night (local sunset March, 6:45 p. m., CST) on March 16, 17, 18, in order to serve the large area interested in Annual Class B Basketball Tournament to be held in Minot.

KFJM—University of No. Dak., Grand Forks, N. Dak.—Granted extension of special temporary authority to operate with increased power (from 500 watts to 1 KW, from 9 to 9:30 p. m., CST, on Wednesday and Thursdays, March 29 and 30, and April 5, 6, 12, 13, 19, 20, 26, 27, in order to broadcast educational talks.

APPLICATIONS FILED AT FCC

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Construction permit to make changes in transmitting equipment and increase power from 1 to 5 KW.

610 Kilocycles

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Modification of construction permit (B-P-2129) for a new station requesting approval of antenna and approval of transmitter site at 3 miles S.W. of city of Fairbanks, Alaska. Amended: To give transmitter site as 3½ mi. North of Fairbanks, Alaska.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new antenna and move transmitter from Maple Ave., Bellmore, N. Y., to Port Washington, N. Y.

1120 Kilocycles

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Construction permit to install new transmitter, and antenna, change frequency from **1120** to **950 kc.**, power from 100 watts to 1 KW, change hours of operation from daytime to unlimited, move transmitter from 526 Riverside Ave., Spokane, Wash., to site to be determined, Spokane, Wash.

1200 Kilocycles

WMOB—S. B. Quigley, Mobile, Ala.—Modification of C. P. (B3-P-1983) for a new station requesting approval of antenna and approval of studio and transmitter site at 600 St. Louis St., Mobile, Ala.

1210 Kilocycles

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—License to cover construction permit for new broadcast station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

WGRM—P. K. Ewing, Grenada, Miss.—Construction permit to move transmitter from Grenada Fair Grounds, Grenada, Miss. to 1½ miles N. W. of Greenwood, Miss., and move studio from Masonic Bldg., Grenada, Miss. to Leflore Hotel, Greenwood, Miss.

1330 Kilocycles

WTAQ—WHBY, Inc., Green Bay, Wisc.—License to cover construction permit (B4-P-1414) as modified for a new transmitter, increase in power and make changes in directional antenna.

1340 Kilocycles

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Construction permit to install new transmitter and increase power from 500 watts night, 1 KW day power to 1 KW night, 2½ KW day. Amended: Transmitter to be determined, Pensacola, Florida.

1370 Kilocycles

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Modification of construction permit (B2-P-1289) for a new station requesting authority to install new transmitter, approval of vertical antenna, and approval of transmitter and studio site at 2nd Ave. & Court St., Williamson, W. Va.

1390 Kilocycles

WHK—The Radio Air Service Corp., Cleveland, Ohio.—Extension of special experimental authority to operate a facsimile station from 1 a. m. to 6 a. m., using 1 KW power.

1500 Kilocycles

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—License to cover C. P. (B5-P-2231) for a new transmitter.

MISCELLANEOUS

W9XZV—Zenith Radio Corp., Chicago, Ill.—License to cover construction permit for new television station.

W6XBE—General Electric Co., San Francisco, Calif.—License to cover construction permit for new international broadcast (experimental) station.

King-Trendle Broadcasting Corp., Detroit, Mich.—Extension of authority to transmit programs from Station WXYZ to stations of the Canadian Broadcasting Corp.

NEW—WHB Broadcasting Co., Kansas City, Mo.—Construction permit for a new high frequency relay broadcast (experimental) station on **26100 kc.**, 100 watts power. To be located in Kansas City, Mo.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Modification of construction permit (B4-PVB-3) for changes in equipment.

W2XDA—General Electric Co., Schenectady, N. Y.—License to cover construction permit (B1-PHB-63) for a new relay broadcast (experimental) station.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of license to change frequencies to **327000-333000 kc.** Amended: To read **321000-327000 kc.**, in lieu of licensed frequencies.

KDEA—The KANS Broadcasting Co., Wichita, Kans.—License to cover construction permit (B4-PRY-149) for a new low frequency relay station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

F & F Laboratories, Inc.—See Zo-Ak Company, Inc.

Hyral Distributing Company—See Zo-Ak Company, Inc.

National Sure-Fit Quilting Company, Inc.—Misrepresentation in the sale of bed quilts and comforters is alleged in a complaint issued against National Sure-Fit Quilting Company, Inc., 40-20 22nd St., Long Island City, N. Y.

Through use of the trade name "Villadown" and of assertions made to jobber and retail dealer customers, the respondent is alleged to have represented that the filler of its comforters was composed substantially of down, when in fact, according to the complaint, it was made by a process of combining two layers of cotton with one layer of down, the proportions being approximately 95 per cent cotton and 5 per cent down. This quantity of down is insufficient to impart qualities not possessed by all-cotton filler, according to the complaint.

The complaint points out that in the bedding trade and the feather and down industry, the word "down" is generally understood to mean the undercoating of the waterfowl consisting of light and fluffy filaments grown from one quill point, but without any quill shaft. A down or down-filled article is understood to contain not less than 90 per cent pure down, and to consist of fluffy and soft portions of the coats of birds other than feathers, according to the complaint. (3728)

Zo-Ak Company, Inc.—Three medicinal products companies have been served with complaints alleging dissemination of false advertisements. The respondents are Zo-Ak Company, Inc., 56 West 45th St., New York; Wallace G. Clark, Norman A. Dodge and Hyral Distributing Company, 3902 McKinney Ave., Dallas, Tex.; and F & F Laboratories, Inc., 3501 West 48th Place, Chicago.

Zo-Ak Company, Inc., in the sale of Zo-Ak Tablets (blue label), or Zo-Ak for Men, and Zo-Ak Tablets (orange label), or Zo-Ak for Women, allegedly advertised the blue label tablets as competent treatments for reduced virile powers and as capable of building up health and strength, and the orange label tablets as a remedy or relief for certain nervous symptoms, when, according to the complaint, such representations were misleading and untrue.

The complaint charges that the respondent failed to reveal in advertisements that use of its blue label preparation under prescribed or customary conditions may cause injury to health in some cases.

Clark and Dodge, who formerly traded under the name Hyral Distributing Company, with headquarters in Fort Worth, Tex., and are now officers of the corporation of that name, are alleged to have advertised their product Hyral as a new and important discovery in the dental hygiene field, when in fact, according to the complaint, its ingredients have long been known to the medical and dental professions. They are alleged to have represented that the product will positively remove film and whiten the teeth, prevent pyorrhea and trench mouth, liberate oxygen in the mouth, and make the gums firm and healthy, when, it is alleged, such representations are misleading. Hyral Distributing Company is charged with misleadingly representing that Hyral promotes oral hygiene, is the one sure way to obtain white and sparkling teeth; that it assures the user unobjectionable breath, and will prevent loss of teeth.

F & F Laboratories, Inc., allegedly represented that F & F Cough Lozenges, which are to be dissolved in the mouth, and F & F Cough Syrup, which is to be taken orally, will ward off, prevent and check coughs, colds and sore and irritated throat, and that each is a competent and effective treatment for these ailments, when, according to the complaint, neither, used alone or in connection with the other, is competent to treat or cure coughs, colds or sore or irritated throat. Use of the preparations in treating these ailments will not do more than afford slight temporary symptomatic relief, in some instances, according to the complaint. (3724-3726-3727)

STIPULATIONS

The Commission has entered into the following stipulations:

American Leader Products Company—Louis J. Thomas, trading as American Leader Products Company, Chicago, Ill., under his stipulation, agrees to cease advertising that the American Leader Pocket Radio is new and sensational, implying that it embodies new construction or operation principles or is essentially different from other sets of its type, and to discontinue representing that any of the respondent's radios can be used in automobiles, beds, offices, camps or anywhere, or that they work immediately or can be used at once, unless, where antenna or ground or other connections are necessary, that fact is also conspicuously stated in direct connection with the advertisement. Thomas further agrees to discontinue advertising or marking his products such as wrist watches with fictitious prices exceeding the usual or customary prices. (02324)

John B. Daniel, Inc., trading as Regens Laboratory, 76 Central Ave., S. W., Atlanta, agrees to cease advertising that Regens, a nerve preparation, will afford relief from and control nervousness and will enable the user to enjoy natural rest or sleep, and that it is the most effective preparation of its type. The respondent admitted that its claims were not justified by the facts. (02326)

Kelly Precision Tool & Die Works—Ferris Q. Sumner, trading as Kelly Precision Tool & Die Works, and as Kelly Tool & Die Works, Dodge City, Kans., agrees to discontinue selling old, worn, used or second-hand files which have been reconditioned by any process without clearly disclosing and indicating the fact that they are reconditioned and are not new. (2402)

Odman Corporation, Chicago, Ill., engaged in selling and distributing corrugated boxes or shipping containers, agrees to discontinue marking or stamping its products with its corporate or trade name together with the words "Certificate of Box Maker" or the word "Maker" or any other word or words of similar meaning so as to imply that it manufactures the products it sells or actually owns and operates or directly controls the plant or factory in which the boxes and containers are made, when such is not a fact. (2404)

Stanley E. Patterson, trading as Patterson Custom Hatchery and Breeding Farms, Lindsey, Ohio, engaged in the business of "custom hatching" eggs and of selling eggs for hatching purposes, will desist from use of the word "Breeding" in his trade name, either alone or in connection with the word "Farms" or with any other word or words so as to imply that he actually owns and operates or controls a place or farm where he breeds and raises poultry, when such is not a fact. The respondent fills orders with eggs or chicks obtained from others engaged in breeding and raising poultry. (2405)

Jay Rose & Company—J. A. Rosenthal, trading as Jay Rose & Co., 330 South Wells St., Chicago, engaged in selling men's clothing, has entered into a stipulation to refrain from making certain misleading representations.

The respondent agrees to cease designating or describing the fabrics not composed wholly of wool and which are used in the manufacture of clothing sold by him as "wool", "all wool" or "woolen", and to discontinue representing by means of these terms certain fabrics made partly of wool and partly of cotton, rayon, silk, linen or any other fiber, unless they are described as "wool and cotton", "wool and rayon", "wool and silk", etc., in the order of the predominating fiber content.

He will also discontinue representing as "silk celanese", garment linings which are composed entirely of celanese, a rayon fabric, and contain no silk, and will refrain from use of the word "Belgium" to describe or designate the kind of canvas used in his garments, unless such canvas has been imported from Belgium. (02327)

S & S Hair Tonic Company, Lexington, Ky., agrees to cease representing that use of its preparation will change hair color other than by dyeing or covering the hair shaft; that it feeds the hair roots or is of value in promoting healthy hair and scalp or in treating dandruff, or is a hair tonic. (02328)

Wallerstein Company, Inc., New York City, agrees to discontinue representing that its product Bosco, a syrup to be used as a milk supplement and as a flavor, is a chocolate syrup or chocolate milk amplifier; that it is a body builder, an appetite stimulant, will give one strength, energy or red blood, or enable one to resist colds or other ills or build up vitality or weight; that all persons need the iron or copper content of Bosco, and that the product has been approved by the American Medical Association. (02329)

Wolf Hatching & Breeding Company—A stipulation has been entered into with Ida B., Dan A., Gilbert C. and Gerald Wolf, trading as the Wolf Hatching & Breeding Company, 120 West Stevenson St., Gibsonburg, Ohio, engaged in the purchase of eggs from poultry raisers or breeders and in the sale of baby chicks.

The respondents agree to desist from the use of the word "Breeding" as part of the trade name under which they advertise, or of the word "Company" or "Farms" in connection therewith, implying that they own, operate or control a place or farm where they breed and raise poultry, when such is not a fact. They will also discontinue representing that all chicks offered for sale by them have been registered or inspected by the American Poultry Association, or bred and hatched under supervision of a licensed A.P.A. inspector. (2403)

Wonder Manufacturing Company, 620 North Michigan Ave., Chicago, selling a hand cultivator and gardening tool designated Wonder 10-in-1 Cultivator, will cease representing that its product does more work easier, faster or better than ten or any similar number of ordinay tools; that its product takes the drudgery out of gardening or cultivating; that it is the most amazing, most scientifically designed and most modern or practical of all garden implements; that it will guarantee profits to salesmen; that the company offers free samples to salesmen, and that the product is used by the United States Government and other organizations, unless such is a fact at the time the statement is published. (02325)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Ace Business Builders—Orders prohibiting lottery schemes in the sale of products to ultimate consumers were issued against a Chicago dealer in sales promotion plans and Nashville and Chicago vendors of novelty merchandise.

The respondents are Edward and Dorothy Harris, trading as Ace Business Builders, Chicago; H. G. Payne, trading as H. G. Payne Company, Nashville, Tenn., and John Milton Bregstone, trading as J. M. Bregstone & Co., Chicago.

Ace Business Builders, according to findings, distributes to retail merchants for their use in building up trade, sales promotion cards which are punched to indicate successive purchases made by a retailer's customers. When the amounts on a card are all cancelled a perforated seal or "Treasure Chest" thereon is opened and the purchaser receives in trade and wholly by chance, the amount indicated thereunder which may range in some instances from 20 cents to $5 and in others from 40 cents to $10.

Under the order, Ace Business Builders is directed to cease selling and distributing its sales promotion cards or any other merchandise so designed that their use by retailers constitutes a lottery.

H. G. Payne Company and J. M. Bregstone & Co., selling novelty merchandise such as knives, watches, razors, and cocktail sets, were ordered to discontinue supplying others with push or pull cards, punchboards or other lottery devices for their use in selling merchandise. (3171, 3175 and 3326)

Ambrosia Candy Company—See Mutual Printing Company.

J. M. Bregstone & Company—See Ace Business Builders.

Instruction Service, Inc.—False and misleading advertisements indicating that thousands of Government jobs are open to applicants for civil service examinations was the subject of an order to cease and desist against Instruction Service, Inc., and Charles J. Ozment, individually and trading as Instruction Service and Perfect Penmanship Institute, St. Louis.

The respondents are ordered to cease and desist from representing that men and women are constantly needed for Government positions, and that such positions are immediately available; that any person having only a common school education may obtain a well-paying Government position; that railway mail clerks are allowed to travel and receive allowances for expenses immediately upon appointment, and are paid while off duty; that appointments to civil service positions are made within a few days after the taking of an examination, or soon thereafter, and that the applicant's grade alone, without any other consideration, determines the time of appointment; that the respondent Ozment has any connection with the United States Civil Service Commission, or has been within recent years employed by the United States Government in any capacity. (3628)

Instruction Service & Perfect Penmanship Institute—See Instruction Service, Inc.

Johnson-Smith & Company—Two dealers in medicinal products have been ordered to discontinue false advertising practices. The respondents are Alfred Johnson Smith and Paul and Arthur Smith, trading as Johnson-Smith & Co., 6615 East Jefferson Ave., Detroit, and Swamp and Dixie Laboratories, Inc., 301-311 Rogers Ave., Fort Smith, Ark.

The order against Johnson-Smith & Co. prohibits dissemination of false advertisements concerning Professor Wingren's Voltaic Electric Insoles and the Home Medical Battery. The insoles are not to be represented as capable of relieving aching feet, rheumatism or hip pains, nor the electric battery as constituting competent treatment for scrofula, ulcers, cancers or other malignant growths or for ailments such as granulated eyelids, neuralgia, kidney and liver troubles. The respondent also is directed to cease asserting that its so-called distemper cures and corn remover are effective for their purposes.

Swamp and Dixie Laboratories, Inc., under its order, is directed to cease disseminating false advertisements concerning Swamp Chill and Fever Tonic and Dixie Fever and Pain Powder. The tonic is not to be represented as a safe, certain and permanent cure for malaria or every kind of fever and ague, nor as being a general tonic or effective treatment for colds, chills, poor appetite and rundown condition. The powder is not to be represented as a safe remedy or treatment for sleeplessness, neuralgia, rheumatism, influenza and all kinds of fevers. (3647 and 3680)

Mutual Printing Company—Two Chicago houses have been ordered to discontinue lottery methods in connection with the sale of products to ultimate consumers.

The respondents are: Mutual Printing Co., trading also as Mutual Sales Promotion Service, and Ambrosia Candy Company and Samuel R. Block, its secretary-treasurer.

Mutual Printing Company, according to findings, distributes to retail merchants for their use in building up trade, sales promotion cards which are punched to indicate successive purchases made by a retailer's customers. When the amounts on a card are all cancelled a perforated "secret panel" thereon is opened and the purchaser receives in trade, wholly by chance, the amount indicated thereunder which may range in some instances from 20 cents to $5 and in others from 40 cents to $10.

Ambrosia Candy Company was ordered to discontinue supplying others with lottery devices, accompanying candy assortments or separately, for their use in selling candy or other merchandise. (3166 and 3315)

Mutual Sales Promotion Service—See Mutual Printing Company.

National Publicity Bureau—Prohibiting misleading representations in the sale of trade cards redeemable in Wm. A. Rogers silver-plated ware, an order to cease and desist has been issued against Hugh J. Wanke, trading as National Publicity Bureau, and Rogers Silverware Distributors, 4 East Redwood St., Baltimore.

The respondent is directed to discontinue representing, through use of the words "Rogers Silverware" in a trade or corporate name or in any manner that he has an interest in or a connection with the manufacturer of Wm. A. Rogers silverware; provided, however, that the order is not to be construed as prohibiting him from dealing in that silverware.

The order also directs the respondent to cease representing that certificates or gift cards can be redeemed in silverware or other merchandise unless all terms and conditions are clearly stated in equal conspicuousness in connection with the offer and there is no deception as to the services or other actions to be performed or the prices to be paid. (2908)

H. G. Payne Company—See Ace Business Builders.

William H. Pearce & Co., Philadelphia, has been ordered to cease representing that tops to replace open grates on gas ranges, distributed by them are properly ventilated, unless they are so constructed as to insure proper combustion when used with one or more burners and to not emit carbon monoxide gas.

The respondents will also discontinue the representation that use of tops for gas ranges distributed by them will materially reduce gas bills or gas consumption and increase cooking capacity, until such tops are so constructed as to accomplish these results. (3071)

Rogers Silverware Distributors—See National Publicity Bureau.

Shalwin Hosiery Mills—An order has been issued against Charles W. Cromer, trading as Shalwin Hosiery Mills, Hagerstown, Md., prohibiting misleading representations in the sale of hosiery.

Under the order, the respondent is to cease representing that hosiery manufactured or sold by him contains "silk" or "pure thread silk" in greater quantity or degree than is actually a fact. The respondent also is to discontinue employing the words "silk" or "pure thread silk" to designate hosiery not made entirely of silk, except that in the case of hosiery composed in substantial part of pure silk, such silk content may be described as "silk" or "pure thread silk" if each constituent fiber is conspicuously named in the order of its predominance by weight, beginning with the largest single constituent.

The Commission specifies that the order shall not be construed as permitting the use of the unqualified word "silk" to refer to weighted silk.

The order further prohibits advertising or selling hosiery made in whole or in part of rayon without clear disclosure of the fiber content. When such hosiery is composed in part of rayon and partly of other fibers or materials, all the constituent elements shall be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (2794)

Swamp & Dixie Laboratories, Inc.—See Johnson-Smith & Company.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 11, March 17, 1939

The Industry Rolls Up Its Sleeves

While all is relatively quiet on the Washington radio legislative scene, two committees are ready to go into action next week, to tackle the two most important internal problems facing the broadcasting industry. The Problem of Copyright and the Problem of the new Program Code.

Swinging into the home-stretch of NAB's continuous study of copyright, the Copyright Committee, meeting in New York, is expected to bring forth a preliminary plan for the consideration of the industry, which will include considerations of the basis upon which the industry can negotiate a new contract with ASCAP for 1941, and alternative proposals if no negotiations prove possible. These findings then will be subject to further refinement or change, leading up to a final determination of the industry's course of action at the Convention in July.

While the music problem remains the one most pressing for early solution, from the standpoint of public interest, the deliberations of the NAB Committee on the Development of a New Program Code and Standards of Practice is of paramount importance.

This committee faces the delicate task of writing preliminary drafts which will cover American Radio's position on such perplexing problems as children's problems, religious broadcasts, handling controversial public questions, policies on news commentators, and gossip columnists. The Committee will also review copy standards as well as the acceptability of accounts.

The Copyright Committee meets Monday, Tuesday and Wednesday. On Thursday, Friday and Saturday, the Code Committee will meet. Serving on the Committees are some two dozen broadcasters from all sections of the country. They represent all classes of stations, independents, affiliates, large and small as well as the networks.

Labor

WAGE AND HOUR ACT

Amendment of the Wage and Hour Act to remove overtime restriction on higher-salaried employees now appears certain.

After the House Labor Committee conferred this week with Administrator Elmer F. Andrews, Chairman Mary Norton (D-N.J.) told reporters that a majority of the committee favored an amendment which would exempt from the overtime provisions those white collar workers who make $2,000 or more a year ($38.46 a week).

"Who thinks the congress intended that white-collar workers receiving $2,000 or $2,400 a year be covered into the law?" she said. "I don't think so and I know it didn't."

"When an office or other worker commands a salary of $2,000 or $2,400 a year he should not be compelled to demand overtime at time and one-half pay if the

(Continued on page 3348)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

WAGE AND HOUR ACT

(Continued from page 3347)

exigencies of his work require him to remain on the job more than the allotted 44 hours in a single week. On the contrary, he should expect to have to work overtime sometime."

Mrs. Norton does not intend to open up the Act for a barrage of amendments, however. When she presents the committee amendments, she intends to ask for a rule to prevent amendment from the floor.

FREE SPEECH

The U. S. Circuit Court of Appeals in Chicago made some interesting remarks recently about an employer's right to discuss labor unions with his employees, but did not take a definite stand. The Labor Relations Board consistently has held that an employer who advises his employees not to join a union is guilty of Wagner Act violation even if the employer definitely states that his employees are free to join if they desire. Such was one of the counts against the Falk Corporation of Milwaukee in a case that was appealed to the circuit court, which said:

> "We can see nothing to criticize in Mr. Falk's action expressing a preference for a local over an outside union. Especially is this true where the employee asks the employer for advice. There is much evidence in this record which is indicative of a very wholesome cooperative spirit existing between management and employees. Surely, it is desirable and bespeaks the confidence of employees in the management to have the old employees ask the executive officer of the employer to express his views and his labor union preference.
>
> "On the other hand, the position of the employer is a most delicate one. Surely, he has the right to his views. And the right to entertain views is rather valueless if it be not accompanied by the right to express them. And this right to express his views is clearer when they are expressed in response to an interrogatory by one of his employees. And yet, the voice of authority may, by tone inflection, as well as by the substance of the words uttered, provoke fear and awe quite as readily as it may bespeak fatherly advice. The position of the employer, where, as here, there is present, genuine and sincere respect and regard, carries such weight and influence that his words may be coercive when they would not be so if the relation of master and servant did not exist."

FREE OFFERS

Bobby Jones, former golf champion, and the Parker Pen Company led this week's list of those trying to get a little free radio advertising. As Director of the American Golf Institute, Mr. Jones is offering a "service" to provide stations with material designed to increase interest in golf. A. G. Spalding and Brothers, manufacturers of golf equipment, are back of the American Golf Institute.

The Parker Pen Company is offering what it calls "legitimate news" about a college scholarship contest it is going to conduct.

The NAB has notified both that the use of their offers would constitute a violation of the NAB Code ban on free time for commercial purposes.

The Anker-Holth Manufacturing Company is following up its contingent offer. Acceptance would constitute violation of the NAB Code, and the NAB has so notified the Company.

Domestic Science Department:

The Fruit Dispatch Company, an affiliate of United Fruit, has sent out a script aiming to convince ladies that they should feed their husbands practically nothing but bananas.

The American Spice Trade Association has sent out a script suggesting a number of delicious dishes, all highly spiced.

The Glass Container Association of America is a little more subtle in its recipes, but nevertheless it seems the best food comes out of glass jars, not cans.

The Dennison Paper Company has sent out a script which tells the kiddies what fun they can have at Easter if they decorate their eggs with colored paper stickers.

The NAB has suggested to all these people that they undertake a regular paid radio advertising campaign and promised the cooperation of any station, network or agency in working it out.

Legal

NORTH DAKOTA GOVERNOR SIGNS COPYRIGHT MONOPOLY LAW

North Dakota's new law curbing the activities of pools controlling performance of copyrighted music was signed by the Governor Thursday, March 16. The new statute goes into effect immediately. Details of the statute were printed in NAB Reports for March 10, pp. 3335-3336.

MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling public performance of copyrighted music have been introduced in the states of Oklahoma and Minnesota. H. 1147, introduced in Minnesota, is the second bill of this nature to be presented to that legislature for consideration. Details of the two bills are not available, but the information received indicates that both bills follow the principles of the one passed by the legislature of North Dakota last week (NAB Reports, March 10, pp.

3334-6). It is reported that a bill has been introduced in Missouri, but this had not been confirmed at the time of going to press.

NEW LEGISLATION

CONGRESS

H. R. 4871 (Mr. Daly, Penna.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents.

STATE LEGISLATION

California:

A. 200 (Tenney) PUBLIC EXHIBITIONS—To add Article VII to Chapter I of Part I of Division I of the School Code, relating to the participation of pupils in public exhibitions. Referred to Education Committee.

A. 247 (Tenney) DEFAMATION—To add sections 45a, 46a and 47b to the Civil Code, relating to defamation. Referred to Judicial Codes Committee.

A. 249 (Tenney) CRIMINAL DEFAMATION—To amend sections 248 and 258 of, and to add sections 250a and 259a to the Penal Code, relating to criminal defamation. Referred to Crime Problems Committee.

A. 256 (Tenney) PUBLIC EXHIBITIONS—To add a new article to Chapter I of Part I of Division I of the School Code to be known as Article VII, embracing section 155 relating to the participation of pupils in public exhibitions. Referred to Education Committee.

A. 712 (Tenney) MUSICIANS—Relating to musicians of public institutions. Referred to Education Committee.

Georgia:

H. 810 (Allen) GENERAL TAX ACT—EXEMPTION—Amending Section 22 of the General Tax Act No. 360, approved March 28, 1935, Georgia Laws of 1935; which provides that no person shall be exempt from any tax imposed, who has more than one employee to assist in conducting such business. Referred to State of Republic Committee.

Michigan:

H. 318 (Walsh & Buckley) DEALERS IN AUTOMOBILE RADIOS, ETC.—To provide that dealers in automobile radios, heaters, and tires shall keep records of identification, purchase and sale of same. Referred to State Affairs Committee.

Minnesota:

H. 1147 (Mann et al.) MUSIC COPYRIGHTS—Regulates use of copyrights of music and dramatics and requires license and taxes all sales 3 per cent of gross receipts. Referred to Taxes Committee.

Missouri:

H. 576 (Scherman & Thedinger) AUTO RADIO LICENSE PLATES—Relates to the motor vehicle code and adds a new section providing license plates for federally licensed amateur radio broadcasting station owners as a special aid to public officials in time of emergency.

H. 604 (Asotsky & Gill) FOODS, DRUGS AND COSMETICS—Relates to the duties of the State Board of Health in the regulation and inspection of foods, drugs and cosmetics with reference to adulteration, misbranding, false advertising, etc., providing also for an inspection fee.

H. 623 (Keating) SALES TAX—Amends the present sales tax and in addition relates to a tax on certain services.

Nevada:

H. 187 (Hazard) NEWS—LIBEL—Amends the act relating to libelous and/or defamatory news stories and to their retraction. Referred to Public Printing Committee.

New Hampshire:

H. 267 (Gage) LIQUOR ADVERTISING—Prohibits liquor advertising in state stores. Referred to Liquor Laws Committee.

New York:

A. 1931 (Moffat) RADIO BROADCASTING—REPORTS OF OFFICIAL PROCEEDINGS—Provides that actions cannot be maintained against reporter, announcer, commentator, speaker, editor, broadcaster or proprietor of radio broadcasting station or system for publication therefrom of fair and true report of any judicial, legislative or other public and official proceedings, or for any title or heading of the report which is a fair and true title. Referred to Codes Committee.

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A. 1988 (Piper) PRACTICE OF OPTOMETRY—DEFINITION—Extends definition of the practice of optometry to include one who provides, furnishes or adapts lenses or devices for aid or relief of the eye; advertising of eyeglasses by printed, radio, display or other means referring to price or discount therefor is made unlawful, toy glasses and goggles, colored or white, being excepted. Referred to Rules Committee.

S. 1424 (Bewley) (Same as A. 1927)—UNIFORM FOOD ACT—Enacts a Uniform Food Act, to prevent adulteration, misbranding and false advertisement of foods; provides for enforcement by agriculture department unless other state department has supervision of particular violation. Referred to Agriculture Committee.

S. 1426 (Coudert) Same as A. 1931, above.

S. 1498 (Mahoney) Same as A. 1988, above.

Oklahoma:

S. 207 (Hearne) COPYRIGHTS—Regulating copyrights and public performing rights of musical compositions.

S. 219 (Monk) FOODS, DRUGS, COSMETICS—FALSE ADVERTISING—Prohibiting misbranding and false advertising of foods, drugs and cosmetics.

Oregon:

H. 549 (Ways & Means Committee) RADIO STATION—To provide for the development, use, control, and regulation of the state owned radio station.

Pennsylvania:

H. 436 (Calvin) PROMOTION OF INDUSTRY—Relating to and providing for the promotion and development of business, industry and commerce in the Commonwealth. Referred to State Government Committee.

H. 525 (McClester) EMPLOYMENT AGENCIES—Amending Employment Agent Law of May 2, 1929 (P. L. 1260) to provide for the transfer of licenses and regulating and limiting fees charged by licensees.

Monopoly Hearing

The FCC monopoly investigation will turn next week to lease and management contracts and related matters.

MARCH 14

Gerald King, president of the Association of Radio Transcription Producers of Hollywood, Inc., was on the stand throughout the day. After describing the transcription business in great detail, he said it had been retarded by five things: the mandatory announcement before and after each program; "the hostility of the networks who saw in this method of broadcasting a competitive medium"; the inability of advertisers to clear time for transcription broadcasts because of network contracts; the labor unions and copyright groups, and "new network policies" that have grown out of competition. He then discussed the advantages of transcription broadcasting, and the advances made in recording during recent years. He expressed an opinion that the networks should stay out of the transcription business because it "lessens competition." He described the World "network." He said it was an "unfair trade practice" for stations to use regular phonograph records, and suggested that the FCC regulate their use. He discussed the NAB Bureau of Copyrights library of tax-free music, and said that such recording would "stand the industry in good stead in case they need it." Transcriptions will be gone into again the week of April 4.

MARCH 15

Roger N. Baldwin, director of the American Civil Liberties Union, said that the Union's radio committee had approached the matter of freedom of the air from three angles: legislative restrictions; the FCC's rules, regulations and pronouncements; and station policies. He said the Union opposed both private and public (government) monopoly in broadcasting. The radio set-up today tended toward private monopoly. He opposed the network rule against selling time for discussion of controversial issues, network "restrictive" contracts, and "super-power." He assailed the FCC for "its attitude toward restriction of freedom of the air." The Commission, he said, accomplished this by speeches and letters. He stressed the Mae West incident and Chairman Frank R. McNinch's pronouncement on religious broadcasts, and added that the latter might well be taken care of by the NAB. He said there would be legislation to free broadcasters from responsibility for what is said by outsiders on their stations. He proposed three-year licenses with the burden of proof for revocation on the FCC.

S. Howard Evans, Secretary of the National Advisory Council on Radio in Education, read a prepared statement in which he stated he was opposed to both self-regulation by the industry or of program policy regulation by the FCC.

"To this * * * I am unalterably opposed and on the ground that such control over this great instrumentality of communication, with its power instantaneously to reach and influence millions of people, cannot safely be entrusted to either of these groups. Each has limitations which make it unsuitable as an agency to function for this purpose."

He further advanced that stations set up advisory councils representative of education, labor, religious and civic interests and that such committees be responsible for the character and fairness of public service programs.

Pressed closely by special counsel Funkhouser on his statements in which he "impliedly" charged the Commission with favoritism in allocating frequencies and in fostering a "lobby" in Washington by those favored groups interested in retaining such allocations, Mr. Evans said he did not mean to infer that there was anything improper in the endeavor of a group to make its representations to the Commission and the Commission staff, but he declared that the present allocating and licensing system left the Commission "vulnerable."

Questioned by Commissioner Walker as to why he did not touch on educational aspects of American radio, Mr. Evans declared: "No. I did not attempt to do that, and I think that in general the attitude of educators would be this, that with the ultra-high frequencies available, that with the educational stations which exist, and with the opportunities that are being offered, both by local commercial stations and by networks, to education, that education probably has all of the opportunity to use radio that it is in a position to take advantage of, and I think that before education will be in a position to demand additional facilities that education itself will have to do a considerable amount of improvement in its product. So I think, in general, it is safe to say that there is no particular criticism right now of the treatment that is being given in the matter of receiving time on the air."

NAB-RMA CAMPAIGN

With a thirty-page booklet outlining the opportunities of the broadcaster in the NAB-RMA campaign ready to go out to radio stations next week the NAB-RMA subcommittee had a special meeting this week with representatives of the manufacturers for a final round-up of plans in preparation for the first all-industry-wide promotional campaign, which is scheduled to get under way the week of April 17.

Among those meeting with President Miller and Ed Kirby, Director of Public Relations, were the following representatives of RMA: Messrs. Joyce of RCA, Ramsdell of Philco, S. T. Thompson of Zenith, E. H. Vogel of G. E., J. P. Rogers of Crosley, Paul Ellison of Hygrade Sylvania, and Frank Mullen of RCA. Also present were Fred Rost, editor of RADIO RETAILING; O. H. Caldwell, editor of RADIO TODAY, and Sol Taishoff, editor of BROADCASTING.

MONTANA MEETING

A meeting of the Montana Association of Broadcasters was held in Billings, Montana, on March 6. Those in attendance were Mrs. Jesse Jacobsen, KFBB; Ed Yocum, KGHL; Art Mosby, KGVO; K. O. MacPherson and Barclay Craighead, KPFA; John Claxton; Kenneth C. Davis; Ed Craney, KGIR; and Ed Krebsbach, KGCX, President of the Association.

John Claxton, attorney, was present to discuss the new Montana libel law and answered the various questions asked by the members. The new Montana Copyright Law also was thoroughly discussed. The entire subject of copyright and tax-free music was considered by the Association.

At the afternoon session resolutions were passed congratulating Senator Burton K. Wheeler and Senator James E. Murray of Montana and Congressman J. E. O'Conner on their cooperation with the Montana Association concerning radio legislation. The Association also urged the Montana congressional delegation to oppose all legislation that would in any way keep general public opinion from being the sole censor of radio programs.

The following resolutions were adopted and are printed in full for the information of NAB members:

"Whereas, the broadcasting industry has the means of bringing to the public attention creative genius of any and all authors and composers; and

"Whereas, there is much to be had of special interest and value to the general public from the files of public domain music; and

"Whereas, the firm of Lang-Worth has already shown its understanding of these problems; and

"Whereas, it is thought that the combination of Lang-Worth and NAB can be of great service to the radio broadcaster, the individual composer and author, the advertiser and the general public;

"Therefore Be It Resolved, by the Montana Association of Broadcasters that they compliment NAB on the selection of Lang-Worth for the building of the NAB-Lang-Worth Music and Library Service; and that it further be

"Resolved, by the Montana Association of Broadcasters that they support the NAB-Lang-Worth plan and do hereby urge all other broadcasters to do likewise."

"Whereas, the entrance of the United States into the International Copyright Union is being considered; and

"Whereas, the use by radio broadcasting of copyrighted material is restricted today by monopolistic groups of publishers under the present copyright law; and

"Whereas, the Radio Broadcasting Industry has since its inception been continually a prey to a monopolistic group of publishing houses and subject to exorbitant demands by this group; and

"Whereas, this group's demands have been so great and their practices so ruthless as to stifle free and open competition between copyright owners; and

"Whereas, their practices have been such that they have retarded and curtailed creative genius of individual composers and authors throughout these United States; and

"WHEREAS, the small independent author or composer is afforded no protection from these monopolistic publishers by the present copyright law; and

"WHEREAS, the users of copyrighted material have no way of protection against these monopolistic groups and no way of knowing the true owners of copyrights under the present copyright law; and

"WHEREAS, the entrance of the United States into the International Copyright Union would only add confusion to the present situation;

"THEREFORE BE IT RESOLVED, by the Montana Association of Broadcasters that we ask our Congressional delegation to insist that the United States not join in the International Copyright Union or make any treaties with any foreign country affecting copyrighted material in any way whatsoever until our own copyright law has been revised so that it will give adequate and equal protection to user and seller or leasor of copyrighted material."

Henry P. Rines

Henry P. Rines, operator of WCHS, WFEA and WRDO, died March 2 in Portland, Me., after a chronic illness. He had been in broadcasting since 1925.

Engineering

STANDARDS FOR AUDIO CIRCUITS

INTERCHANGEABILITY OF EQUIPMENT

Audio circuits from the studio to the transmitter, with its complex switching and amplifying system, have used all kinds of instruments. It is often desirable, both from the point of view of meeting emergencies, and of economy, to be able to interchange the equipment. If such interchange is not possible, duplicate equipment has to be available. At this point, a technical problem presents itself, i.e., what is the best way of making interchange possible? In order to be able to substitute one amplifier for another, without loss of quality of reproduction, it is necessary that the two amplifiers have the same impedances, both at their inputs and their outputs. For maximum flexibility, it is necessary, therefore, to standardize the electrical circuits at the input and output of each item of equipment; it is also desirable to standardize the measuring instruments used. A beginning has been made in this direction, and it is hoped it will eventually not only make easier the operation of broadcast stations but also create economies.

The audio circuits that exist between the microphone, or transcription or record pick-up, and the transmitter are designed with a number of objects in view; the principal one is, of course, to amplify the audio energy with a minimum of distortion. The operator has to be able to control the intensity of the audio energy, mix in suitable proportion the program when it comes from several sources, and, at a moment's notice, be able to switch, from one studio to another, or to a turntable pick-up or a long distance line. If an amplifier fails, he should be able to switch another one in without the listening audience being aware that any major element of the chain between the microphone and their loud-speakers has failed. All this has to be done without distortion or alteration in the frequency response. To achieve these results, it is important that circuits of the various units be properly matched. If they are not so matched, there is a danger of distortion, usually loss of high notes, and of loss of efficiency in the audio circuits. It would, therefore, be safer and easier to have, wherever possible, a standard value for the input and output circuits for all the audio equipment used in a broadcast station.

An initial step has been taken towards standardization. It is a step which will permit an engineer to know exactly what he reads when he sees a standard meter. There are many types of meters in use to measure the level of the audio energy at the various stages of the audio system. Many of them measure different quantities, so that when two engineers talk of a certain audio level, they may be talking about different things. The first step towards standardization is not unnaturally, therefore, a meter—a meter that reads audio levels. It is hoped that this new standard will supersede the variety of meters in use at present.

Standard Volume Indicator

The meter is presented as a standard for volume level measurements by the Bell Telephone Laboratories, National Broadcasting Company and Columbia Broadcasting System. After several months of conferences, agreement was reached on a meter of comparatively inexpensive design suitable for a number of different uses, with which the broadcaster is concerned, including the measurement of program material.

An instrument used by an operator to measure the program level of a station should fulfill two principal functions. First, it should advise the operator of the volume level beyond which he should not allow the program to go otherwise there will be noticeable distortion, and second, it should advise him of the actual volume level of the program. The instrument should provide this information for all types of programs, whether the wave form be peaky, as in a woman's voice, or be comparatively flat as in the sound from an organ. If an organ recital follows a woman speaker, it should not be necessary for the radio listeners to jump up to adjust their volume controls; the level of modulation should be adjusted by the operator so that the volume of sound from the loud-speakers of the listeners gives an impression of being proper for all kinds of programs. At the same time, the peaks must not be noticeably distorted, yet the full modulation capacity of the transmitter should be used. A listener will not notice the distortion of peaks of very short duration, so that the instrument should record only those peaks which last long enough that distortion can be heard. The time required for the meter to operate should, therefore, not be either too long or too short. The instrument proposed as a standard was selected out of a large number to fulfill as closely as possible all these conditions and still be low in price.

All these considerations have involved many problems that have required several years of study and the sponsors are to be congratulated on the presentation of this standard instrument to measure volume levels for monitoring broadcast programs and other purposes. Its use should prove an advance and improve the quality of operation. It is hoped that broadcast stations will adopt this standard instrument and install it in their monitoring equipment.

The power level reference or zero level selected is the volume in a sine wave having the energy of 1 milliwatt. The meter is calibrated on the basis of the energy in decibels in a sine wave; its deflection is proportional to the voltage of the wave. It must therefore be applied to a standard impedance in order to read correctly. The standard impedance selected is 600 ohms. If it is applied across a circuit having some other value of impedance, a correction should be made, which consists simply in adding or subtracting a certain number of decibels.

The "vu"

The discussions went beyond the selection of a standard meter. They covered the use of a new unit. Instead of using the cumbersome phrase "db. above zero volume level" a new unit is proposed, the "vu". It is numerically equal to the number of decibels above 1 milliwatt. It is recommended that this unit be adopted for the sake of uniformity.

The exact wording of the joint agreement between Bell Telephone Laboratories, National Broadcasting Company and the Columbia Broadcasting System is as follows:

> "Zero or reference volume level shall be defined by specifying (a) the characteristics and method of use of the volume indicator instrument, and (b) a steady state reference of 1 milliwatt. The impedance of the circuit across which the instrument is calibrated shall be 600 ohms. The characteristics of the instrument, as well as the value of the calibrating power, are important features of the definition.
>
> In order to avoid the more cumbersome term 'db above zero volume level' and confusion with several existing standards, it is proposed to designate the readings of the new instrument as so many 'vu', numerically equal to the number of db above the reference volume level."

Characteristics of Meter*

Those technically inclined will be interested in the electrical characteristics of the meter. The principal ones are as follows:

1. Full wave, copper oxide rectifier in meter case.

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* A meter having these characteristics is already being manufactured by one company (Weston Electrical Instrument Corporation. Type #30 Volume Level Indicator). It is expected that other companies will also have it in production.

2. Reaches 99% of steady value 0.3 second after application of sudden single frequency voltage. The damping is such that the pointer will overswing 1% to 1½%.
3. The sensitivity is uniform within 0.2 db. of the sensitivity at 1000 cycles from 35 cycles to 10,000 cycles, and within 0.5 db. over the range from 25 cycles to 16,000 cycles.
4. The instrument can withstand an overload voltage for half a second of 10 times the value equivalent to a reading of zero vu, and a continuous overload of 5 times this value.

Standardization of Impedance

To carry the problem of standardization further with a view of making the operation of a station as flexible as possible, it was decided that the input and output impedances of amplifiers, mixers, and other equipment should be standardized as far as possible. Discussions are taking place on this problem and the Engineering Committee, represented by Mr. Wilmotte, is taking an active part in them.

Several technical problems are to be met. In the first place, consideration has to be given to the recommended standard of 600 ohms for the volume indicator described, since this standard will be used by the A. T. & T. for its transmission lines. Also must be considered the fact that microphones are designed of various impedance values, ranging from 30 ohms to 250 ohms, most of them being either 30 ohms or 250 ohms. There is other equipment to be considered, such as transcription pick-ups. Existing equipment must also be studied; many installations, for instance, use 200 ohms, which bears no simple relation to the other impedances of the system.

Whatever agreement is reached, if one is reached, will require some intermediate period of several years duration, so that standardization produces no burden on existing installations. The whole problem is being considered very carefully. If broadcasters have recommendations to make, they should send them to Mr. Wilmotte, at the NAB headquarters, as soon as possible.

—R. M. Wilmotte.

C. C. I. R. MEETING

A meeting is to be held at the State Department on March 21 and 22 to begin the preparation for participation of the United States at the meeting of the C. C. I. R. at Stockholm, Sweden, in June of next year. In connection with the preliminary meetings the State Department this week issued the following announcement:

> The Fifth Meeting of the International Consulting Committee on Radio (C. C. I. R.) is to convene at Stockholm, Sweden, probably on June 25, 1940.
>
> With a view to preparing for United States participation in that Conference and the formulation of proposals to be submitted in behalf of the United States, there will be held in Room 474 of the Department of State, 17th Street and Pennsylvania Avenue, Washington, D. C., on Tuesday and Wednesday, March 21 and 22, 1939, at 9:30 a. m., a meeting for the purpose of organizing the preparation for United States participation in the Stockholm Conference.
>
> The preparatory meetings for the Conference at Stockholm will be open to all individuals and agencies in the United States interested in participating in that work.
>
> Following is a list of the questions to be considered:
>
> No. 1. Methods of Measuring Radio Receiver Selectivity.
> No. 2. Methods of Measuring Radio Field Intensity and Noise.
> No. 3. High-frequency Ship Calling Frequencies and Procedure.
> No. 4. Sideband Suppression.
> No. 5. Anti-fading Antennas.
> No. 6. Receiver Selectivity Requirements.
> No. 7. Vocabulary of Radio Terms.
> No. 8. Measurement Methods and Tolerances for Electrical Interference.
> No. 9. Indication of Power of Transmitter with Directional Antenna.
> No. 10. Frequency Tolerances.
> No. 11. Frequency Separation between Stations, in Fixed and Mobile Services.
> No. 12. Radio Wave Propagation.
> No. 13. Characteristics of Frequencies for Direction Finding.
> No. 14. Field Intensities Required for Reception.
> No. 15. Background Noise of Transmitters.
> No. 16. Background Noise of Receivers.
> No. 17. Sensitivity of Radio Receivers.
> No. 18. Radio Conditions Affecting Phototelegraph Transmission.
> No. 19. Band Width of Emissions.
> No. 20. Amendment or Elimination of Opinions.
> No. 21. Addition to Appendix 12 to General Radio Regulations.
> No. 22. Universal Decimal Classification.
> X. Definition of Transmitters. (New Question.)
> Y. Classification of Waves. (Tentatively New Question.)

FCC GRANTS EXTENSIONS

The Federal Communications Commission announced Monday it had granted the few applications which have been made by broadcast licensees for extensions of time within which to file annual financial reports due from them on March 15, 1939. The extensions vary in length, in accordance with individual need. The reports affected cover the calendar year 1938. The Commission authorized that further applications for extensions be granted in individual cases for reasonable cause shown.

HIGH FREQUENCY ALLOCATION

The Federal Communications Commission has issued a report covering the allocation of frequencies throughout the radio spectrum from 30,000 to 300,000 kilocycles. The Commission also made public the table of allocations to the specific services.

In addition to announcing various changes in the allocation to these specific services, the report, by its terms, accomplishes the following:

1. Extends the outstanding instruments of authorization for frequencies above 60,000 kilocycles except those operating in the broadcast service (television, facsimile, relay, high-frequency and experimental broadcast) to October 1, 1939.

2. Provides that applications for renewal which are due to be filed on August 1, 1939, shall specify frequencies in accordance with the new allocation.

3. Provides that applicants for new instruments of authorization after the effective date of this order (April 13, 1939) shall request frequencies in accordance with the new table of allocations.

Broadcasting

The allocation of frequencies above 30,000 kilocycles vitally affects several important broadcast services; namely, television, facsimile, relay, high frequency and experimental broadcast.

The action taken by the Commission today with respect to television is in general accord with the action taken on October 13, 1937, in that the same 19 bands are reserved for television; however, three of the bands, namely, 162,000-168,000 kc., 210,000-216,000 kc., and 264,000-270,000 kc., may be used also for general or specific research and experimentation in the radio art along lines which are not specifically directed toward any established service. These stations will be required to vacate these bands if operation thereon results in interference to any television station.

The Commission believes that in order to permit television to be inaugurated on a nationwide basis a minimum of 19 channels should be reserved below 300 megacycles. This does not mean that the minimum number of channels allocated by this order will eventually provide channels for a completely competitive nationwide service.

Undoubtedly additional channels above 300 megacycles or some rearrangement of the present plan will be necessary at a later date.

As previously stated, the action taken by the Commission is merely one step toward the development of the television service. The question of proper standards of design and operation are now being studied and will receive appropriate action with the least possible delay. All outstanding authorizations for television service are experimental.

In the band 41,000-44,000 kc., 75 channels are made available for assignment to aural broadcasting and facsimile broadcasting stations. Twenty-five of these channels have already been allocated to non-commercial educational broadcast stations. The revised order does not change the existing broadcast allocation in this band nor does it change the allocation to broadcasting on frequencies below 41,000 kc.

Order 19 originally provided for broadcasting in the band 142,000-144,000 kc. In order to provide frequencies for the aviation service, it was necessary to shift broadcasting to the band 116,000-118,000 kc., which was formerly tentatively assigned to amateurs.

Frequencies will be provided in each of the broadcast bands above 40,000 kc. for experimentation in frequency modulation as well as amplitude modulation in order that the relative merits of the two types of modulation may be properly evaluated by the Commission at an early date. It is anticipated that as a result of such experimentation proper standards will be eventually developed.

The action of the Commission in revising Order 19 provides a total of 12 channels for broadcasting service, such as, for example, relay broadcasting, in the frequency band 132,000-140,000 kc. These channels are in substantial accord with the original allocation.

Police Service

The police service has been allocated 8 channels between 132,000-140,000 kc. to supplement the frequencies which have previously been allocated to this service within the band 30,000-40,000 kc. At the present time there is only a small number of police stations operating experimentally above 100 megacycles.

Municipal and county governments as in the past will be required to cooperate to the fullest extent and coordinate their needs for radiocommunication service in order that interference may be minimized. These frequencies will be maintained experimentally until such time as developments may determine which manner they may be best used by this service.

Aviation Service

In order to provide additional frequencies for the aviation service, which is essentially a safety service, and may not be served by any other method of communication, the frequency band 140,100-143,880 kilocycles has been allocated to this service. Many of the present problems which confront the aviation industry through its employment of medium frequencies may be solved through the use of the ultra-high frequencies. These frequencies are of utmost importance to the aviation service in that they are comparatively free from atmospheric interference and electrical disturbances, which render communication on medium frequencies impossible at times. Because of the natural limitations of these frequencies in their transmission and reception range, duplication of use of a given frequency will be possible at intervals of about 500 miles.

The frequency band 129,000-132,000 kilocycles remains unchanged and will be available for airport traffic control. Six airport frequencies separated by approximately 500 kilocycles will be available for use at various airports throughout the country. Where there are several airports in the same locality, such as New York, the use of a separate and distinct frequency may be authorized. The intervening guard bands are provided in order to avoid interference and thus give the maximum degree of safety possible.

Fixed Service

The fixed service has been allocated 14 channels in the band 132,000-140,000 kilocycles. In view of the decided and extensive demand for frequencies for the various classes of service which by their very nature are dependent on radiocommunication rather than wire lines, it is only possible to provide frequencies for the fixed service for use in areas where wire facilities are not available, or, due to circuitous wire routing or emergency circumstances, the use of radio may be found justified. Consequently, a limited number of frequencies have been made available for fixed service.

Experimental Service

The experimental service has been allocated, in addition to the frequencies previously assigned, the shared use of those frequencies allocated to the special services. These additional channels which are interspersed throughout the frequency range 30,000-40,000 kilocycles and 132,000-140,000 kilocycles are primarily for general experimentation which is not directed specifically to any established service.

In addition, the order provides that all frequencies between 129,000 and 140,000 kilocycles are also available for assignment on an experimental basis to stations engaged in the development of a specific service in accordance with the rules and regulations governing that service. For example, should a municipality desire to experiment in the police service on frequencies above 130 megacycles, the frequencies allocated to the police service would be used.

There are also made available to the experimental service three bands of frequencies which have been allocated primarily for television broadcasting. These bands are separated approximately 50 megacycles apart, commencing with the band 162,000 kilocycles. Frequencies within these bands are available on a temporary basis only for general or specific research and experimentation in the development of the radio art along lines which are not specifically directed toward any established service. The holder of any general experimental instrument of authorization for any frequency or frequencies within these bands must vacate such frequency or frequencies if interference results to the television service. The assignments to experimental stations will be made upon the approximate 0.1% channeling system.

Relay Press Service

The term "relay press" station has been adopted by the Commission since Order 19 was first promulgated. Frequencies above 30,000 kc. formerly designated as "mobile press" are now designated "relay press." A relay press station is limited to the transmission of news for publication, or orders, instructions or inquiries concerning such news to be published by the licensee and other publishers of the same news, or to be disseminated by the news association with which the licensee is regularly affiliated. Licenses for relay press stations are granted for communication to or from points where other communication facilities are not available. The frequencies provided in the revised order for relay press stations fall within the bands 30,000-40,000 and 132,000-140,000 kc.

Coastal and Ship Harbor

The allocations to coastal and ship harbor stations have not been changed except to reduce the allocation by one channel which was necessary to fill the needs of broadcasting and aviation. These stations are used for the purpose of providing a short range harbor service similar to that now authorized in the frequency bands 2100-2200 kc. and 2500-2600 kc.

Special Emergency

Except for the deletion of one of the original frequencies contemplated in Order 19, the revised order maintains the existing allocation to special emergency stations. Special emergency stations are covered by the rules and regulations governing the emergency service. A license for this class of station is issued only to an organization established for relief purposes in emergencies and which has a disaster communication plan, or to persons having establishments in remote locations which cannot be reached by other means of communication, or to public utilities.

Marine Fire

The previous allocation to this service remains unchanged and is for the purpose of rendering communication service to fireboats similar to that now althorized by the existing rules and regulations of the Commission.

Special Services

The frequencies which have been allocated to special services have been made available for use by experimental stations for experimentation and research in the development of the radio art. The use by both services will be on a shared basis and it will be necessary that the holders of instruments of authorization for either service to cooperate to the end that interference may be reduced to a minimum.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Station KELA, **Chehalis, Washington,** to increase its power from 500 watts to 1000 watts. It operates unlimited time on **1440 kilocycles.**

The Commission found there is a public need for the additional service proposed and "the program service rendered by the applicant is designed to serve the interest of the entire area to be served." The Commission found that if the increased power were granted, it would not be expected to cause objectionable interference to any existing station. Commissioner Brown did not participate in this decision.

The application of WHAI, **Greenfield, Massachusetts,** to operate unlimited hours on **1210 kilocycles,** with 100 watts night and 250 watts day has been granted by the Commission. The station now operates on that frequency with 250 watts daytime only.

The Commission stated in its decision that a public need was shown in the Greenfield area for nighttime broadcast facilities such as those proposed by the station. No objectionable interference will be involved in the changes proposed, the Commission found, and the station has rendered a meritorious program service in the past. Commissioner Brown did not participate in this decision.

The application of John T. Alsop, Jr., for a permit for a new broadcast station at **Ocala, Florida,** to use unlimited time, 100 watts, **1500 kilocycles,** has been granted by the Commission.

The Commission's Findings of Fact and Conclusions were made public on January 30, and no exceptions were filed to the grant. Commissioner Brown did not participate in this Order.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of March 20. They are subject to change.

Tuesday, March 21

Broadcast

NEW—Southern Oregon Broadcasting Co., Grants Pass, Ore.—C. P., **1310 kc.,** 100 watts, unlimited time.

Wednesday, March 22

Broadcast

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 100 watts, 250 watts LS, specified hours.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Renewal of license, **1370 kc.,** 100 watts, 250 watts LS, specified hours.

NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 kc.,** 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

April 17

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.,** 1 KW, 5 KW LS, unlimited time (DA night). Present assignment: **880 kc.,** 500 watts, 1 KW LS, unlimited time.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.,** 1 KW daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.,** 1 KW, daytime.

May 9

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 kc.,** 1 KW, unlimited time. Present assignment: **1370 kc.,** 100 watts, unlimited time.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **580 kc.,** 1 KW, unlimited time (S.A. for transmission of facsimile signals 12 midnight to 6 a. m., using 1 KW, experimental).

May 10

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1380 kc.,** 500 watts unlimited time.

Hearing Reopened

Broadcast

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.,** 1 KW, unlimited time. Present assignment: **1390 kc.,** 1 KW, unlimited time.

May 12

KROY—Royal Miller, Sacramento, Calif.—Modification of license, **1210 kc.,** 100 watts, unlimited time. Present assignment: **1210 kc.,** 100 watts, daytime.

May 26

NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., **1230 kc.,** 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WRAL—H. E. Satterfield and E. O. Marshburn, Raleigh, N. C.—Granted authority to transfer control of Capitol Broadcasting Co., which is permittee of Broadcast Station WRAL, from the present stockholders thereof, no one of whom has control, to A. J. Fletcher. (Assignment under C. P., **1210 kc.,** 100 watts night, 250 watts day, unlimited time.)

W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted C. P. for new high frequency broadcast station; frequencies **31600, 35600, 38600** and **41000 kc.**, on an experimental basis conditionally, 500 watts power.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KMA, Shenandoah, Iowa; KTAT, Fort Worth, Tex.; KXOK, St. Louis, Mo.; KYA and auxiliary, San Francisco; WAAT, Jersey City, N. J.; WBRC, Birmingham, Ala.; WCAD, Canton, N. Y.; WDBJ, Roanoke, Va.; WDSU, New Orleans; WHBI, Newark, N. J.; WOL, Washington, D. C.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Granted renewal of license for the period ending September 1, 1939.

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted renewal of license for the period ending September 1, 1939.

WOOD—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—Present license, expiring April 1, 1939, was extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than May 1, 1939.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Present license, expiring April 1, 1939, was extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than May 1, 1939.

WDBJ—Times-World Corp., Roanoke, Va.—Granted renewal of license for auxiliary transmitter for the regular period.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Wendell Mayes, Joe N. Weatherly and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownsville, Tex.—Application for C. P. for new station to operate on **990 kc.**, 1 KW, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KGIR—KGIR, Inc., Butte, Mont.—Application for modification of license to increase night power from 1 KW to 5 KW. (To be heard before the Commission en banc.) (Application designated for hearing because pending applications from Montana involve an increase in service, and because of interference with existing stations.)

WNBC—State Broadcasting Corp., New Britain, Conn.—Application for modification of license to increase present night power from 250 watts to 1 KW, employing directional antenna system for both day and nighttime operation. (Application set for hearing to determine if interference might be caused to existing stations, and because pending applications from Connecticut involve increase in service.)

WCBA—B. Bryan Musselman and Lehigh Valley Broadcasting Co., Allentown, Pa.—Application for voluntary assignment of license from B. Bryan Musselman to Lehigh Valley Broadcasting Company, a Pennsylvania corporation. (Commissioners Case and Craven dissented; Brown, Commission, not participating.)

WSAN—WSAN, Inc., and Lehigh Valley Broadcasting Co., Allentown, Pa.—Application for voluntary assignment of license from WSAN, Inc., to Lehigh Valley Broadcasting Co. (Commissioners Case and Craven dissented; Brown, Commissioner, not participating.) (Hearings on these applications will be held in Allentown if Commission's budget permits.) (The applications were designated for hearing to determine whether the granting of the applications to consolidate the two existing stations would result in, or tend toward, a monopoly in radio broadcasting in Allentown and its immediate environs, and to determine if the operation of the stations by the Lehigh Valley Broadcasting Co. would be in the public interest.)

MISCELLANEOUS

WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, March 19, 26, April 2, 9, 1939, in order to broadcast feature by the New York Philharmonic Symphony Orchestra and a special religious talk by Rev. Chas. E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, March 24, 31, April 7 and 14, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and the American School of the Air.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted extension of special temporary authority to rebroadcast time signals originated by radio station NAA, at 8 a. m., 11 a. m. and 6 p. m., CST, daily, for the period April 1 to September 30, 1939.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to operate unlimited time on April 7 in order to broadcast religious services on Good Friday from local churches.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to conclusion of championship basketball games on March 10, 11 and 13, 1939.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (April, 6:45 p. m., CST) to 11:05 p. m., in order to broadcast the following: Church services, April 2, 9, 16, 23 and 30; Legion meetings, April 3, 10, 17 and 24; exhibition baseball games, April 4, 6, 11 and 13; wrestling matches, April 5, 12, 19 and 26; Community Jamboree, April 14, 21 and 28; Extex Chamber Programs, April 1, 8 and 15; Texas State Teachers Meeting, April 7; Friendly Trek-Home Coming, April 18; baseball preview, April 20; baseball games, April 22, 25, 27 and 29; using 100 watts only.

WHAI—John W. Haigis, Greenfield, Mass.—Granted special temporary authority to operate from 6 to 6:15 p. m. weekdays, with power limited to 100 watts only, during March, 1939, in order to broadcast Yankee Network News Service; denied request to operate on March 28 and 30 in order to broadcast Yankee Network sports program sponsored by Blackstone Cigars.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Denied special temporary authority to operate with 5 KW power night for a period of 30 days, employing DA, in order to overcome interference from Cuban station CMCY.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period March 17 to April 15, pending installation of directional antenna authorized in grant of October 25, 1938.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW at night for the period March 13 to April 11, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.** or reduces power so that additional interference is not involved.

WGST—Georgia School of Technology, Atlanta, Ga.—Denied special temporary authority to operate with 5 KW power at night, for a period of 30 days, in order to overcome interference from Mexican Station XEW.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Denied special temporary authority to operate from 2:30 to 6 a. m., EST, March 12, in order to broadcast the ceremonies in connection with the coronation of the Pope.

WOV—International Broadcasting Corp., New York City.—Denied special temporary authority to operate from 2:30 to 6 a. m., EST, March 12, for the purpose of broadcasting the ceremonies in connection with coronation of the Pope.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 9:45 to 11:15 p. m., CST, March 15, in order to broadcast the Birthday Party of the American Legion, using 100 watts only.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted C. P. to move transmitter site locally, and install a vertical radiator.

W2XBF—William G. H. Finch, New York City.—Granted license to cover C. P. authorizing change in location and installation of new antenna in experimental broadcast station, upon an experimental basis only, conditionally.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted license to cover C. P. authorizing increase in daytime power from 100 watts to 250 watts, and installation of new equipment.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted license to cover C. P. authorizing increase in daytime power from 100 watts to 250 watts, and changes in equipment.

KROY—Royal Miller, Sacramento, Calif.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, PST, March 11, in order to carry special program in connection with coronation ceremonies of Pope Pius XII.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with stations WIBW and WCHS, with power reduced to 250 watts, from 6:15 to 11 p. m., CST, on March 16, and from 7:25 to 10:35 p. m., CST, on March 17 and 18, for the purpose of broadcasting State High School Basketball Tournament.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: March 20, 27, April 3 and 10, in order to broadcast special programs from Louisiana State University and special addresses by the President and members of the faculty of that University.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station WCBN aboard aircraft *Yankee Clipper,* owned by Pan American Airways Co., on frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.,** in addition to the normal licensed frequencies, for period March 20 to April 18, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda, to Port Washington, N. Y., to London and return, to be broadcast by CBS.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 1 to 6 a. m., EST, Sunday, March 12, in order to broadcast coronation of the Pope.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XDG on the frequency **38.65 megacycles,** pending definite arrangements to be made in the ultra high frequency bands. The term of this special temporary authority shall be from March 20 until further order of the Commission, but no later than beyond April 18.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate with power of 100 watts from 6:15 p. m. (local sunset) to 7 p. m., EST, March 10, in order to carry speech of Governor O'Connor from 6:45 to 7 p. m., and remaining time for sustaining programs to hold audience.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition for Order to take Depositions in re application for C. P. to change frequency from **1370** to **1120 kc.,** and power from 250 watts night, unlimited to 500 watts night, 1 KW day, unlimited DA at night.

NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Overruled petition for continuance of hearing now scheduled for March 21, on application of Southern Oregon Broadcasting Co., Grants Pass, Ore., for C. P. to operate on **1310 kc.,** 100 watts, unlimited time.

KTAT—Tarrant Broadcasting Co., Wichita Falls, Tex.—Granted petition to withdraw without prejudice, the application for C. P. to move studio and transmitter from Fort Worth to Wichita Falls, Tex.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted petition to withdraw without prejudice the application for C. P. to move transmitter site locally, install new equipment and DA for nighttime use; change frequency from **1370** to **930 kc.,** increase power from 100 watts night, 250 watts day, to 500 watts, unlimited time.

WJHP—The Metropolis Company, Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of WMBR, Florida Broadcasting Co., Jacksonville, Fla., to change operating assignment from **1370 kc.,** 100 watts-250 watts LS, to **1120 kc.,** 500 watts night, 1 KW day, unlimited using DA.

WSPA—Virgil V. Evans, Spartanburg, S. C.—Granted petition to intervene in the hearing on the application of the Spartanburg Advertising Co., Spartanburg, S. C., for a new station to operate on **1370 kc.,** 100 watts, 250 watts, unlimited time.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN, Lawrence, Kansas, to install directional antenna and move transmitter to Kansas City, Kans., and studio to Kansas City, Mo.

WREN—The WREN Broadcasting Co., Inc., Kansas City, Mo.—Overruled motion to dismiss petition of KMBC to intervene in the hearing on the above listed application.

WBIL—Arde Bulova, New York, N. Y.—Granted special temporary authority to operate from 2:30 to 8:30 a. m., EST, March 12, for the purpose of broadcasting the Coronation of the Pope.

WTOL—The Community Broadcasting Co., Toledo, Ohio—Granted special temporary authority to operate from local sunset (March, 6:45 p. m., EST), to conclusion of the 1939-9th U. S. Open Table Tennis Championship on March 17, 18 and 19, in order to broadcast these matches.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Denied special temporary authority to operate with power of 250 watts from 7:30 to 10:30 p. m., CST, on March 9, 10 and 11, in order to broadcast the Kentucky Regional High School Basketball Tournament.

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Overruled motion of KVOX, Respondent, to dismiss appearance of KOVC, and KOVC's Motion in Opposition thereto, in re application to change frequency of KVOC Valley City, N. Dak., from **1500** to **1340 kc.,** and power from 100 watts, 250 watts day, to 500 watts, 1 KW day, unlimited time.

WOL—American Broadcasting Co., Washington, D. C.—Granted petition to intervene in the hearing on the application of Lawrence J. Heller, for a new station in Washington, D. C., to operate on **1310 kc.,** 10 to 100 watts, unlimited time.

WMEX—The Northern Corp., Boston, Mass.—Opposing counsel granted 2 weeks from today to comply with the Commission's rules. Motion of WMEX to strike "Applicant's Proposed Findings of Fact and Conclusions' in re application of Central Broadcasting Corp., Worcester, Mass., for C. P. to operate on **1500 kc.,** 100 watts, 250 watts day, unlimited, to be placed back on Motions Calendar 2 weeks from today, and counsel notified of this preliminary ruling.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Tex.—Granted motion to take depositions and supplemental motion, in re application for C. P. to increase power from 100 watts to 250 watts daytime on **1500 kc.**

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted applicant's petition to dismiss application without prejudice, for C. P. to change from **1120 kc.,** 100 watts daytime to **1110 kc.,** 1 KW, unlimited time.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted motion extending time to file proposed findings 20 days from March 20, in re application of WGRC for C. P. to change frequency from **1370** to **880 kc.,** and increase time of operation from daytime to unlimited, using 250 watts and DA at night, and the application of The Gateway Broadcasting Co., Louisville, Ky., for C. P. to use **880 kc.,** 500 watts, unlimited time, DA.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted motion extending time to file proposed findings 20 days from March 20, in re applications listed above.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Overruled motion for production of documents and other data described in KOAC's petition to reopen hearing. (KOY are applicants for modification of license to change frequency from **1390** to **550 kc.,** with 1 KW, unlimited time.)

WDAF—Kansas City Star Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN for C. P. to move studio and transmitter.

NEW—Central Broadcasting Corp., Worcester, Mass.—Overruled motion to amend application for C. P. for new station, and sustained opposition of WMEX, The Northern Corp., WORC, Frank Kleindienst, and C. T. Sherer Company.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted modification of C. P. extending commencement date from February 13 to April 13 and completion date from July 13 to August 13, 1939.

KPQ—Wescoast Broadcasting Co., Wenatchee, Wash.—Granted license to cover C. P. authorizing installation of new transmitter.

WJMC—Walter M. McGenty, Rice Lake, Wisc.—Granted special temporary authority to operate from local sunset (March, 6:15 p. m., CST, to 12 midnight, CST, on March 15, in order to broadcast dedicatory program, using 100 watts only.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority to operate from 8:30 to 9:45 p. m., CST, March 15, in order to broadcast the Birthday Party of the American Legion, using 100 watts only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:15 p. m., PST, to the conclusion of basketball games on March 16, 17 and 18, 1939.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted special temporary authority to operate from 6:15 p. m. (local sunset) to 11 p. m., PST, on March 16, 17 and 18, in order to broadcast three additional games to the Pacific Coast Championship Basketball Race.

KWNO—Winona Radio Service, Winona, Minn.—Granted special temporary authority to operate with power of 100 watts only, from 6:45 p. m. (local sunset), April 3, to 3 a. m., CST, April 4, in order to broadcast the city election returns.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (March, 6:30 p. m., CST), to 10 p. m., CST, on March 17, 18, 20 and 21, in order to broadcast political talks and election returns; to operate from local sunset (April, 7 p. m., CST), to 9:30 p. m., CST, on April 2, 9, 16, 23 and 30, in order to broadcast Sunday Evening Church Services.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on April 1, 8, 15, 22 and 29, in order to broadcast newscasts, musical programs and other features of public interest; from 8:30 to 10 a. m., and 2 to 3 p. m., EST, on April 2, 9, 16, 23 and 30, in order to broadcast religious services, newscasts and musical programs and all hours between April 5 and April 15, when station WSVS will be entirely silent because of Easter vacation in order to broadcast musical programs and newscasts, provided WSVS remains silent.

KOIN—KOIN, Inc., Portland, Ore.—Granted special temporary authority to operate police mobile radio unit as a relay broadcast station on frequency **34600 kc.**, on March 15, to relay broadcast program in connection with the dedication of "Major Disaster Car" in Portland, and program to be broadcast over station KOIN.

W2XMN—Edwin H. Armstrong, near Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN, as licensed, for the period March 20 to April 18, to retransmit the transmissions from general experimental station W2XCR, in connection with certain demonstrations and research being carried on by the two stations in the field of frequency modulation.

APPLICATIONS FILED AT FCC

570 Kilocycles

KUTA—Jack Powers and David G. Smith, Grank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Compnay, Salt Lake City, Utah.—Construction permit to install new transmitter, directional antenna day and night use; change frequency from **1500 kc.** to **570 kc.**, power from 100 watts to 1 KW; move transmitter from 13th South 3rd West, Salt Lake City, Utah, to 21st South 6-8th West, south of Salt Lake City, Utah.

880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of construction permit (B5-P-1536) for a new station, requesting changes in transmitter, approval of vertical antenna, and approval of studio site at 111 East 10th St., Vancouver, Wash., and transmitter site at Rural—Fruit Valley Road, end of 26th St., Vancouver, Wash.

900 Kilocycles

WELI—City Broadcasting Corporation, New Haven, Conn.—Modification of construction permit (B1-ML-263—issued as a C. P.) for change in frequency from **900 kc.** to **930 kc.**; change in hours of operation from daytime to unlimited time, using 250 watts night and 500 watts day power; move transmitter, install directional antenna for day and night use, further requesting change in directional antenna for night use only, and approval of transmitter site at Benham Road and Paradise Ave., Hamden, Conn.

1120 Kilocycles

KTBC—State Capitol Broadcasting Association (R. B. Anderson, President), Austin, Tex.—Modification of construction permit (B3-P-932) as modified for a new station, requesting change in type of transmitter, extend commencement and completion dates from 1-29-39 and 7-28-39 to 5 days after grant and 120 days thereafter.

1200 Kilocycles

WDSM—WDSM, Inc., Superior, Wis.—Modification of construction permit (B4-P-770) as modified for a new station, requesting authority to extend completion date from 4-9-39 to 6-9-39.

1460 Kilocycles

KSTP—National Battery Broadcasting Company, St. Paul, Minn. —Modification of construction permit (B4-P-1828) for a new transmitter, antenna (directional for day and night), increase in power, requesting approval of antenna and approval of transmitter site at St. Paul, Minn.

1500 Kilocycles

WDNC—Durham Radio Corp., Durham, N. C.—License to cover construction permit (B3-P-2174) as modified for new transmitter and antenna and increase power and move of transmitter.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to determine operating power by direct measurement of antenna power.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—Neptune Broadcasting Corporation, Atlantic City, N. J.—Construction permit to erect a new broadcast station on **1500 kc.**, 100 watts night and 250 watts day, unlimited time.

MISCELLANEOUS

NEW—Carman R. Runyon, Jr., Yonkers, N. Y.—License for a new experimental broadcast station (utilizing the equipment of general experimental station W2XCR) on the frequency band **86030-400000, 401000 kc.** and above, 5 KW power, A3 and special emission.

W8XNO—Charleston Broadcasting Company, Charleston, W. Va.—Modification of construction permit as modified to extend commencement and completion dates from 11-2-38 and 5-2-39 to 5-2-39 and 11-2-39, respectively.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them:

Acme Dividend System—See Century Business Service.

Affiliated Products, Inc.—Alleging misrepresentation in the sale of two cosmetic products sold under the name of Edna Wallace Hopper, a complaint has been issued against Affiliated Products, Inc., 257 Cornelison Ave., Jersey City, N. J., owner of the business formerly conducted by Edna Wallace Hopper, Inc.

Among advertisements of Edna Wallace Hopper's Special Restorative Cream, the complaint quotes the following:

"I am past sixty, says Edna Wallace Hopper, yet boys scarcely above college age often try to flirt with me. I've been booked from one theater to the other as 'The one woman in the world who never grew old.' * * *"

"It was developed by one of the most celebrated beauty scientists, Dr. Bonaventura Pacini, whose cosmetic creations have contributed so much to the beauty of women the world over. * * *"

The special restorative cream allegedly was advertised as capable of restoring youthful appearance to skins disfigured by age, and Edna Wallace Hopper's White Youth Pack (Clay) as being of French origin and capable of causing the blood to nourish and revive the skin and of removing blackheads and enlarged pores.

The complaint alleges that the respondent's representations are exaggerated and untrue; that the restorative cream is not a discovery of a French scientist, nor is the youth pack of French origin, and that neither preparation will accomplish the results claimed. (3734)

Atlantic Manufacturing Company—See Marlborough Laboratories, Inc.

Bartell Drug Company—See Western Chemicals, Inc.

Century Business Service—Selling sales promotion cards to merchants for their use in disposing of merchandise to ultimate consumers by lottery methods, Earl M. Loban, 401 Lafayette Bldg., Waterloo, Iowa, has been served with a complaint. Loban trades under the names Century Business Service, Acme Dividend System, and Century Publishing Company, Inc.

The complaint alleges that cards sold to merchants by Loban are bordered with the numerals 5, 10, 15, etc., to be punched in the amounts of successive purchases made by merchants' customers. In the center is a ruled square designated "concealed courtesy gift" which is opened by a heating process after the card has been completely punched, revealing thereunder amounts ranging from 25 cents to $5. These amounts, determined wholly by chance, are received in trade by the customers, according to the complaint. (3731)

Century Publishing Company, Inc.—See Century Business Service.

Cuban Health Products, Inc.—Alleging misrepresentation in the sale of a food product, a complaint has been issued against Cuban Health Products, Inc., 125 East Kalamazoo St., Lansing, Mich.

In advertising its El Aguinaldo Cuban Honey, the respondent company is alleged to represent that the product is "used successfully in overcoming stomach ulcers, stomach disorders, bowel and colon troubles," and "also asthma, bronchitis, coughs and colds."

The complaint charges the respondent with advertising that the product is "a natural tissue builder for the weak and anemic"; that it will heal and relieve cuts, bruises and varicose ulcers; that it reduces the free acid content in the intestines and the mucus in colitis, and is a bowel antiseptic, and that it normalizes the blood count.

The respondent's representations are misleading and untrue, according to the complaint, which alleges that El Aguinaldo Cuban Honey is not a competent treatment for the ailments named and will not heal cuts, bruises or varicose ulcers, although it may, in certain instances, serve as an adjunct in treating these conditions. (3733)

Edna Wallace Hopper, Inc.—See Affiliated Products, Inc.

Lewyn Drug, Inc.—See Western Chemicals, Inc.

Luxor, Ltd.—Discrimination in favor of certain purchasers in the sale and distribution of toilet and cosmetic articles in violation of the Robinson-Patman Antidiscrimination Act is charged in a complaint against Luxor, Ltd., Chicago.

The complaint alleges that in the sale of its toiletries, two sizes of the articles, which include Luxor Complexion Powder, Luxor Rouge, and Luxor Cold and Cleansing, Vanishing and Foundation, Special Formula, Tissue and Hand Creams, are distributed. The sales price on larger sizes, as suggested by the respondent to retailers, is 55 cents. Smaller sizes of the same articles are alleged to be distributed for resale to the public at 10 cents.

Respondent designates the toilet and cosmetic products packed and mounted in smaller containers as "Luxor 10¢ Toiletries," and, the complaint charges, accords the facilities of small packaging and sales card mounting only to so-called novelty, variety, syndicate and 5-and-10-cent stores. The respondent does not accord the same service facilities to other customers competitively engaged with the favored customers, it is alleged. The respondent's failure, the complaint continues, to accord the latter class of customers the same service facilities, has a tendency to cause competitive disadvantage to the latter class of customers. (3736)

Luzier's, Inc.—See United Drug Company.

Madison Sales Corp.—See Marlborough Laboratories, Inc.

Maffett Sales Corp.—See Western Chemicals, Inc.

Marlborough Sales Company, Inc.—See Marlborough Laboratories, Inc.

Marlborough Laboratories, Inc.—Shaving creams in containers bearing fictitious prices far exceeding true selling prices, and toothpaste with misleading descriptions as to its formula and manufacture, are the subjects of a complaint. The respondents are Marlborough Laboratories, Inc., Marlborough Sales Co., Inc., Madison Sales Corporation, and Windsor Manufacturing Co., Inc., all of 29 West 15th St., New York, and Harry Silverstein, David Kamerman and William Zeffert, individuals, who hold offices in each of these corporations; Frances Chorba, 38-44 West 26th St., New York, Atlantic Manufacturing Co., 555 Belmont Ave., Newark, N. J., and Henry Braun, Charles Kleinbeck and Caesar Muzzi, officers.

The complaint alleges that in catalogues, price lists, circulars and other printed matter, shaving creams distributed by the respondents have been advertised as being regularly priced at 75 cents and 50 cents, while they are sold to purchasers for resale at 7½ cents and 6 cents, and that the higher prices are wholly fictitious and in no sense representative of the true value of the merchandise.

A shaving cream distributed by the respondents is marketed, branded and described, the complaint charges, as "Palm and Olive Shaving Cream," in a package and container similar in size and appearance to Palmolive Shaving Cream, a widely known competing product, thereby confusing and misleading purchasers.

A dental cream bears the letters D. D. S. conspicuously on the container. The complaint declares that on closer inspection these are the first letters of the name Doctors Dentists Surgeons Dental Cream, instead of being an abbreviation of Doctor of Dental Surgery. Use of the letters, the complaint continues, leads the purchasing public to believe the toothpaste was compounded from the formula of a member of the dental or medical profession, or manufactured under such direction, when it was not so compounded or manufactured. (3732)

United Drug Company, Boston, and Luzier's, Inc., Kansas City, Mo., are charged in complaints with unfair representations in the sale of cosmetics.

The Boston company is alleged to have sold Cara Nome Face Powder in "slack filled" containers, thus misleading purchasers as to the quantity of the preparation in each package. According to the complaint, containers were filled to only 50 to 70 per cent of their capacity, and completely enclosed in cellophane wrappers which did not give a purchaser an opportunity to inspect the contents until after a purchase had been made.

The Kansas City company is alleged to have represented that its cosmetics are especially prescribed and prepared for each individual customer; that Luzier's Muscle Oil will remove surplus flesh around the chin; that Luzier's Marvelo and Luzier's Lu-Mar will remove age lines and wrinkles from the face; that Luzier's Massage Cream and Luzier's Lu-Tone will nourish and strengthen the tissues of the skin, and that the respondent's cosmetics will cure acne. These representations were exaggerated and misleading, according to the complaint, which also alleges that the respondent's cosmetic products are standardized and applicable for general use. (3729-3730)

Western Chemicals, Inc.—Charging false and misleading advertising in the sale of medicinal preparations, a complaint has been issued against Western Chemicals, Inc., Maffett Sales Corporation, Bartell Drug Company, and Frank L. Wilson, N. B. Wilson and Reuel K. Yount, officers of the Western and Maffett corporations, all of Seattle, Wash., and an amended and supplemental complaint against Lewyn Drug, Incorporated, Hollywood, Calif.

Both respondents are charged with false advertising not only in misrepresenting the efficacy of their products but through failure to reveal that use of the preparations under conditions prescribed in their advertisements and under customary and usual conditions may result in serious injury to health.

The Seattle respondents are alleged to have advertised that their product, Alcoban, "has aided thousands addicted to the excess use of alcohol"; that it "aids the sufferer to overcome the craving for liquor and to build up his resistance," and that "Alcoban contains no narcotics or habit-forming drugs" and "leaves no ill effects upon any organ of the body."

The complaint alleges that the respondents' representations are misleading and untrue; that their product is not a competent, safe nor scientific treatment for alcoholism; that its use may have ill effects upon the body, and that Alcoban contains Emetine Hydrochloride, Epherdrine Hydrochloride and Pilocarpine Hydrochloride as active ingredients, each of which is in itself potent and harmful, and when combined with the others as in this preparation, results in a compound which may have marked toxic and in some cases fatal effects.

Lewyn Drug, Incorporated, is alleged to have advertised Dr. Haller's Prescription 5000 and Dr. Haller's Prescription 2000 as being competent, safe or scientific treatments for delayed menstruation, when in fact, it is alleged, this is not true, and the use of either preparation may result in gastro-intestinal disturbances and other serious ailments. (3735-2934)

Windsor Manufacturing Company, Inc.—See Marlborough Laboratories, Inc.

STIPULATIONS

The Commission has entered into the following stipulations:

Adhesive Products Company, 3400-13th Ave., S. W., Seattle, and T. B. Kane Manufacturing Company, 2719 Michigan Blvd., Chicago, both manufacturing casein glue, have entered into stipulations to discontinue misleading representations in the sale of their products.

The Seattle corporation, in the sale of its "Kaseno No. 414," agrees to desist from use of the word "waterproof" on labels or in advertising matter, and the Chicago corporation will discontinue use of the words "waterproof" or "watertite" as descriptive of its product, when in fact neither glue is waterproof nor impervious to water. (2409-2410)

Brower Manufacturing Co., 209-215 North Third St., Quincy, Ill., will discontinue representing that its chick brooder designated "Brower's Battery" is the only one that has all the features that make raising broilers successful; that no other system offers such money-making possibilities or quick profits, and that by use of the Brower system mortality or labor is greatly reduced or growth is quicker.

The respondent agrees to discontinue representing directly or by implication that any of its poultry preparations contains ingredients which birds do not get in ordinary feed; that any of the preparations builds strong frames, makes stronger shells, prevents leg weaknesses, rickets, or soft bones, increases production, prevents diseases common in poultry—eliminates lice, mites, or other insects; that any preparation "heals" or is an antiseptic, germicide, tonic or blood builder; that the preparations are "guaranteed" or under Government license, or that the products will produce any given results quickly, or within any specified time. (02334)

T. B. Kane Manufacturing Company—See Adhesive Products Company.

Makomb Steel Products Company, Makomb, Ill., agrees to cease representing that its Biddy-Way Brooder is the only one of the so-called "contact" or electric heat type which effectively duplicates the type of brooding provided by the mother hen, or that the device will maintain a constant temperature of 105 degrees in a room heated to only 55 to 75 degrees, when such are not the facts. (2407)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

W. J. Bush & Co., Inc., New York, manufacturer of perfumes, with a factory located at Linden, N. J., has been ordered to desist from representing that perfumes manufactured in this country are imported from France or England.

The respondent is forbidden to use the words or names "Potter & Moore's Mitcham Lavender of London", or "Potter & Moore, England", or any other words or names indicating English origin, on the labels, cartons or containers of perfumes, colognes and other toilet preparations made in this country, or of using the words or names "Extrait Oelliet Fane" or "Grenoville, Paris", or other words indicating French origin of their product, and of using the words "Made in England" or "Made in France" on labels, cartons or containers of perfumes and other toilet preparations compounded in the United States, without clearly and conspicuously stating in immediate connection therewith that such products are made or compounded in the United States. (3339)

Dr. W. B. Caldwell, Inc., Monticello, Ill., manufacturer and distributor of Dr. Caldwell's Syrup Pepsin, Syrup Pepsin, and Syrup of Pepsin, has been ordered to cease misrepresentations as to the efficacy of its preparations for the relief of constipation and other ailments.

The order prohibits use of the word "pepsin" alone or in association with other words to describe a preparation not containing sufficient pepsin, as an active ingredient, to possess substantial therapeutic value because of the pepsin content.

The respondent corporation is forbidden to represent that doctors and hospitals prefer liquid laxatives, unless such representation is qualified by an equally conspicuous statement that any such preference is limited to those cases where diagnosis of the disorder and the patient's reaction to various types of laxatives indicate that the use of a liquid laxative is preferable. (2957)

Cyril J. Conrad, 2301 Sixth Ave., Altoona, Pa., a distributor of hosiery, watches and other merchandise, has been ordered to discontinue lottery methods in connection with sales to ultimate consumers. Conrad was ordered also to discontinue supplying others with push or pull cards, punch boards or other lottery devices, to enable them to sell merchandise. (3590)

Educators Association, Inc., 307 Fifth Ave., New York, distributors of a school reference book designated The Volume Library, and their agents who employ as high as 1500 canvassers a year, have been ordered to cease and desist from certain misrepresentations in the sale and distributing methods of the book.

Others named as respondents under the order are: Leo L. Tully, 307 Fifth Ave., New York, president of the respondent association; Oron E. Richards, 59 E. Van Buren St., Chicago, vice-president, and Donald W. Henry, 517 Garland Bldg., Los Angeles, second vice-president; Marian A. Miller, 11 E. Lexington St., Baltimore; Mrs. B. M. Gambert, 511 Burt Bldg., Dallas, Tex.; Mrs. Marie C. Hostler, 451-452 Book Bldg., Detroit; J. E. Stronks, Johnson County Savings Bank Bldg., Iowa City, Iowa; H. Lyle Goldsberry, 506 Andrus Bldg., Minneapolis; J. R. Hostler, 726 Canal Bank Bldg., New Orleans; J. P. Tully, 1030 Real Estate Trust Building, Philadelphia, and Mrs. M. W. Lees, 335 Fifth Ave., Pittsburgh, all trading under the name Educators Association. (3139)

Rogers Redemption Bureau—Trading as Rogers Redemption Bureau, Matthew A. Willis, 419-427 Lumber Bldg., Minneapolis, has been ordered to discontinue misleading representations in the sale to retail merchants of premium certificates redeemable in silverware.

Willis is directed to discontinue representing, through use of the word "Rogers" in a trade or corporate name or in any manner that he has an interest in or connection with Oneida, Ltd., manufacturer of Wm. A. Rogers silverware, provided, however, that the order is not to be construed as prohibiting him from dealing in that silverware.

The order also directs Willis to cease representing that certificates or gift cards can be redeemed in silverware or other merchandise unless all terms and conditions are clearly stated in equal conspicuousness in connection with the offer and there is no deception as to the services or other actions to be performed or the prices to be paid. (3198)

Wonder Wood-Tex Company—Prohibiting misrepresentations in the sale of wood pulp articles such as copies of statuary to retailers and gift shop operators, an order to cease and desist has been issued against W. M. Jacobson, 308 East 51st St., Chicago, trading as Wonder Wood-Tex Company.

The respondent was found to have represented that articles ordered would be similar to samples displayed, when in fact the products shipped were inferior to samples, and that purchasers could resell the articles at 50 to 100 per cent profit, when in fact they found it necessary to resell at the same prices they paid the respondent.

Findings are tha the respondent advertised that his father, whom he alleged to be a wealthy retired citizen whose hobby was making wood pulp articles, permitted the respondent as his sole representative to sell such articles only on the understanding that he would not misrepresent them nor overcharge purchasers. The facts are, according to findings, that the respondent's father has been dead many years and that neither he nor his son ever manufactured the articles sold. (3675)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 12, March 24, 1939

Copyright

The NAB Copyright Committee, meeting Monday in New York, authorized Neville Miller to start negotiations with ASCAP immediately on an agreement to succeed the present contracts.

"Such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of the ASCAP catalogues," the committee's resolution stated.

The text of the unanimously adopted resolution:

"*Whereas* in the opinion of the National Association of Broadcasters the American Society of Composers, Authors and Publishers' present method of licensing broadcasters to use the Society's music is inequitable, inasmuch as it compels broadcasters to pay fees on programs not using ASCAP music, and

"*Whereas* it is imperative that the industry assure itself of an adequate supply of music on an equitable basis after the expiration on December 31, 1940, of the broadcasters' present contracts with ASCAP in order to safeguard both the industry and the public.

"*Therefore, Be It Unanimously Resolved,* that the Copyright Committee of the National Association of Broadcasters, consisting of representatives of all elements in the industry, authorize Neville Miller, President of the National Association of Broadcasters, in conformance with the authority already conferred upon him by the Board of Directors of the National Association of Broadcasters, to enter into immediate negotiations with ASCAP and that in conducting such negotiations he be authorized to draw upon this Committee and its membership for such assistance as he may desire and,

"*Be It Further Resolved,* that such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of the ASCAP catalogues, and

"*Be It, Therefore, Further Resolved* that negotiations shall be carried on with the object of obtaining definite acceptance on a practical basis to the above principle from ASCAP by May 31, in order that the Copyright Committee may be fully advised so as to make a complete and definite report with recommendations at the NAB annual meeting to be held July 10, 1939."

Members of the Committee present were:

Edwin W. Craig, WSM, Nashville, Tennessee; Walter J. Damm, managing director, WTMJ, Milwaukee, Wisconsin; John Elmer, president, WCBM, Baltimore, Maryland;

Gregory Gentling, general manager, KROC, Rochester, Minnesota; Edward Klauber, executive vice president, Columbia Broadcasting System, New York; Niles Trammell, executive vice president, National Broadcasting Company; Clair McCollough, general manager, WGAL, Lancaster, Pennsylvania; John Shepard, 3rd, president, Yankee Network, Inc., Boston, Massachusetts; Theodore C. Streibert, vice president, Mutual Broadcasting System, New York; Harold Wheelahan, manager, WSMB, New Orleans, Louisiana; E. B. Craney, president, KGIR, Butte, Montana; I. R. Lounsberry, general manager, WGR-WKBW, Buffalo; T. W. Symons, Jr., president, KXL, Portland, Oregon; Neville Miller, president, and Edwin M. Spence, secretary-treasurer, National Association of Broadcasters.

Important Notice to All Members

In the mail today is a thirty page prospectus outlining the NAB-RMA campaign in full detail.

Where there are two or more stations located in the same city, broadcasters are asked to check with each other as to the *time* and *place* of the get-together with local radio dealers and wholesale distributors; to determine if *one* or *more* meetings will be necessary; and to mail back to Headquarters the return post card found in the prospectus, ordering the special transcription record to be played at dealer-station meetings.

Broadcasters are urged to act promptly in sending back the return card *next week*.

A special mailing announcing the dealer angle of the campaign will go out within the next ten days to 55,000 radio dealers.

Plans provide for a nationwide "open house" beginning the week of April 17, when stations are asked to invite the public to visit the studios where each station will have an opportunity to present some of its public service activities; to show the listeners the broad range of subjects in the average day's program schedule; to present some of the fundamentals of America's private and competitive system of broadcasting which has given the American listener the finest radio service in the world, without cost and without censorship.

Headquarters urges every broadcaster to read the full thirty page prospectus; to pass it around to key staff members; to take full advantage of the campaign. Every element within the broad field of the radio industry has been "tied-in" with this campaign. What it means to each broadcaster, what it will mean to all of American radio depends upon the wholehearted cooperation of every NAB member. This is the first effort, in the history of American radio, to "sell radio *via* radio".

Judge Sykes Dinner

A group of Judge Sykes' friends have arranged a dinner in honor of the Judge to be held at the Willard Hotel, April 8, at 7:30 p. m.

The Judge has tendered his resignation as of April 1 as a Commissioner of the Federal Communications Commission after serving in that capacity since the inception of the Federal Radio Commission in 1927.

The committee in charge of arrangements is composed of the following people:

Neville Miller, Chairman, Sol Taishoff, Frank Roberson, Andrew D. Ring, Frank M. Russell, Harry C. Butcher, William B. Dolph, and Edwin M. Spence, Secretary-Treasurer.

The notice of the dinner is being sent out by Mr. Miller inviting those in the Broadcasting Industry, the FCC Bar Association and the Radio Engineers who wish to take part in this tribute to Judge Sykes.

FREE OFFERS

The Associated Grocery Manufacturers of America, Inc., is asking stations to use material plugging a month-long campaign for "nationally known grocery products," starting April 6.

The NAB has sent the grocery association the following letter:

"Any member of our association or any advertising agency certainly would be glad to discuss with your association, any of your members or any local grocer or group of grocers the use of your 'Parade of Progress' scripts at card rates.

"The NAB Code of Ethics forbids giving free time for commercial purposes, and no member station will consider the use of these scripts without compensation."

The Bureau for Natural Pearl Information and the Glass Container Association again are trying to get free time to advertise their members' wares.

The NAB finds nothing strictly commercial in the Loyal Order of Moose transcription series, although it might be considered a build-up for a membership campaign.

The New York World's Fair has advised the NAB that it has no advertising appropriation, and that, hence, there can be no discrimination against radio in that respect. Fair officials also state that it is a non-commercial venture, with profits, if any, to go to charity.

Legal

MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling the public performance of copyrighted music were introduced in Oklahoma, Minnesota and Missouri (NAB Reports, March 17, p. 3348). The bill introduced in Oklahoma follows Montana's new law. It would require complete disclosure of the details of each copyrighted musical composition as a condition precedent to the sale or licensing of the performance rights within the state and would prohibit any license agreement which makes a charge on programs which do not use music controlled by the licensor.

The bill before the Minnesota legislature follows the new law of North Dakota (NAB Reports, March 10, pp. 3334-6). This law, in addition to the requirements adopted in Montana, also provides that members of a pool issuing blanket licenses shall afford users the option of obtaining portions of the pool copyrights at prices fixed by the individual copyright owner and not by the pool. Unless this option is granted to users, the bill prohibits the granting of blanket licenses by a combination of copyright owners.

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Two bills introduced in Missouri follow the principles of the statute passed by Washington and Montana in 1937. These bills would prohibit any licensing by a combination of copyright owners except on a "per-piece system." The 1937 law has been repealed by Montana and the new statute above outlined substituted. The legislature of Washington had before it a similar bill in substitution for its 1937 statute, but it is reported that this legislature adjourned without acting on the bill and that the 1937 statute remains in effect.

The bill which was passed by both houses of the legislature in New Mexico (NAB Reports, March 10, p. 3334) was subjected to a pocket veto by the Governor.

STATE LEGISLATION

California:

S 73 (Kenny & Fletcher) JUVENILE ENTERTAINERS—To amend section 36 of the Civil Code, and to add Chapter I, comprising sections 1975 to 2003, inclusive, to Title VI, Part IV, Division Third of the Civil Code, relating to juvenile entertainers. Referred to Judiciary Committee.

Michigan:

S 208 (Town) LIQUOR—CONTROL—ADVERTISING—To prohibit liquor in state parks; signs near highways; and the mechanical reproduction of advertising, etc. Referred to Liquor Control Committee.

Missouri:

H 633 (Turner & Hamlin) COPYRIGHTS—MUSIC—Regulates and protects the copyrights of dramatic or musical compositions and provides against monopolies and price fixing by those holding copyrights.

H 645 (Asotsky and Gill) COPYRIGHTS—MUSIC—Regulates and protects the copyrights of dramatic or musical compositions and provides against monopolies and price fixing by those holding copyrights. Substantially the same in principle as H 633, above.

New Jersey:

S 277 (Taggart) MUNICIPAL RADIO SYSTEM—Making it mandatory that where a municipality bordering on the Atlantic Ocean operates a municipal radio system or municipal convention hall that such municipality shall, at a public hearing, grant to taxpayers the right to object to individual items in budgets affecting such radio system or convention hall. Referred to Municipalities Committee.

S 279 (Taggart) RADIO SYSTEM—MUNICIPALITY—Providing that where any municipality bordering on the Atlantic Ocean operates a radio system or convention hall that such municipality shall keep their funds in connection therewith in a separate account; provides for quarterly audits. Referred to Municipalities Committee.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

NEW YORK:

A 1999 (Breitbart) THEATRICAL AGENCIES—Provides for licensing by industrial commissioner, of all theatrical agencies and bureau and appropriates $15,000. Referred to Ways and Means Committee.

S 1528 (Perry) RADIO BROADCASTING—Makes it larceny to record in this state any broadcast emanating from a broadcasting station without consent in writing of person broadcasting the same or to sell, lease or license such recording or to have in possession for such purpose any recording without consent of broadcaster. Referred to Codes Committee.

S 1624 (Feld) EMPLOYMENT AGENCIES—Empowers state industrial commissioner to make rules and regulations for employment agencies, provides that five per cent fee shall be collected only where salary rate is $2,500 or more a year, relates to the keeping and inspection of records and makes certain exceptions. Referred to General Laws Committee.

TEXAS:

SJR 12 (Weinert) SOCIAL SECURITY TAX—A proposed amendment to Article 3 of the Constitution to provide for the assessment and collection of a social security tax. Referred to Constitutional Amendments Committee.

McNINCH INDICATES LICENSE PERIOD MAY BE EXTENDED

Chairman Frank R. McNinch of the FCC was reported in the New York *Herald-Tribune* last week as indicating that the six months licensing period for broadcasters might be extended soon. The paper printed the following account of an interview:

Frank R. McNinch, chairman of the Federal Communications Commission, indicated yesterday that the present six months' licensing period for radio broadcasting stations in this country may be lengthened soon. Mr. McNinch expressed his opinion in an interview in the Hotel Pennsylvania, Seventh Avenue and Thirty-third Street.

"I am not certain that the commission will not extend the license period if and when the Havana treaty is ratified by Mexico," he said, referring to the broadcasting agreement subscribed to by fifteen American nations late in 1937. "Mexican ratification is all that is holding up some readjustments of radio frequencies, which would be necessary before longer license periods could be granted. But we confidently hope that, pending its ratification, the Mexican government will make the agreement administratively effective in the near future."

Mr. McNinch, who came to New York for an informal luncheon conference with a group of representatives of radio committees of women's clubs yesterday noon at the Town Hall Club, 123 West Forty-third Street, declined to say whether he would vote for longer license periods. He acknowledged, however, that there "are many good arguments" in favor of such extension.

"I don't think there's much weight in the argument that longer license periods should be granted to eliminate politics," he said. "But there is merit in the argument that longer periods would relieve the commission of some of the burden of considering applications every six months, and that they would relieve stations of the expenses involved in making their applications. I don't think much of the argument that longer license periods would enhance the bank credit value of stations, since no station has the slightest title to any wave length."

In response to a question Mr. McNinch admitted there was internal dissension in the commission, but he refused to discuss the matter beyond saying that the "division has not been over the broad policies, but concerns administrative affairs." He praised the provisions of the Wheeler bill, now pending in the Senate, which would abolish the present commission and replace it with a three-man body.

The Wheeler Bill provides for a research bureau, he said, which would encourage listeners to communicate their opinions of radio programs directly to the commission. At present, he said, most of the letters written about programs are complaints.

Mr. McNinch said the flood of communications concerning the Rev. Charles E. Coughlin, of Detroit, had abated considerably in the last month. He estimated the commission had received about 5,000 post cards and letters. More than half of these were on printed forms, singed by more than one individual, he said and the majority of them favored the priest's broadcasts. The remainder of the communications were from individuals, and were about equally divided in commending and criticizing the priest's program.

Declining throughout his interview to speak for the commission, Mr. McNinch emphatically disclaimed any intention of taking action against stations which refused to permit Father Coughlin to continue his use of their facilities. He held that free speech was an absolute essential, as far as the radio was concerned, and that each station was responsible for what it put on the air. The proper way to treat controversial matters would be to enable both sides of the controversy to present their arguments, he said.

"I don't mean to say that stations should be required to broadcast controversial programs," he said. "But where one side of such a controversy is given time on the air, the opponents should be given an opportunity to answer."

Monopoly Hearing

Station leases, management contracts, etc., occupied the FCC this week at the monopoly hearing.

MARCH 16

Mrs. J. M. Selby and Mrs. L. Broida, housewives speaking for neighborhood parent-teacher associations in Washington, D. C., testified that they objected to children's programs now on the air. They had no suggestions for improving these programs.

MARCH 21

Samuel R. Rosenbaum, chairman of the IRNA, described the history and organization of that group. He stated that the networks had granted recognition to the affiliate representative committees for the exchange of views and the expression of wishes of the affiliates in the formulation of network trade practices and operating policies, but he emphasized that it was not the intention of the representative committees to act as a collective bargaining agency for the affiliates as a group, or for any individual affiliate with regard to business dealings involving compensation or other questions of private contract between the affiliate and the network. Mr. Rosenbaum explained that the plan of the IRNA was addressed only to subjects in which under the Federal licenses and interest of the public is affected.

On cross-examination, S. King Funkhouser, counsel for the Commission, asked if there was any complaint by the affiliates with regard to network control of station time, and also asked whether IRNA had any suggestions or recommendations to make to the Commission.

Mr. Rosenbaum explained the fact that IRNA provided an opportunity to accomplish self-regulation within the industry on the question of control of station time, as well as on many other operating policies, and he thought the Commission should give the industry an opportunity to demonstrate whether or not self-regulation would result in adequate and satisfactory arrangements between affiliates and networks to take care properly of the public interest. He stated it was his belief that the intelligent self-interest of the stations and the networks, as guided by the response from the listening public, ought to be sufficient to accomplish the necessary self-regulation without Commission regulation, and that, at any rate, the industry was entitled to an opportunity to see if it would work. He explained the procedure has only been in effect for a few months, and it was too early to forecast whether there would be any suggestions to which it would be necessary to draw the Commission's attention.

Mark Ethridge, WHAS, vice-chairman of IRNA, discussed at length the contractual relationship between networks and affiliates, and concluded that "as long as the contractual relationship between the affiliate and the network is a voluntary agreement, I believe it will be decidedly against the public interest for a governmental regulatory body to decree whether or not the affiliate was to enter into such a contract, whether the affiliate was to enter into a contract with this chain or network or some other one, and what the terms and conditions of the contractual relationship would be."

Elliott Roosevelt, president of the Texas State Network, described the management contract between the network and KPLT, Paris, Tex.

Paul Porter, CBS, stated that the relationship between CBS and KSFO was no different from that of any affiliate, and that he saw no need of bringing witnesses from the West Coast to testify to this. The Commission agreed.

Frederick Caperoon, managing director of WCAM, municipal station at Camden, N. J., described the station's contract with the Mack Radio Sales Company, covering 1,300 hours of the station's 1,739 total.

John H. Stenger, Jr., licensee of WBAX, Wilkes-Barre, Pa., described his management contract with Glenn D. Gillett, and the operation of the station.

Howard D. Gaudin, president of Loyola University, New Orleans, licensee of WWL, described the management contract with the WWL Development Company. Henry C. Crowell of Chicago, appearing for the Moody Bible Institute, described the corporate set-up of WMBI, Chicago.

MARCH 22

William L. Marbury, Jr., general counsel for the Baltimore Radio Show, Inc., WFBR, described the voting trust agreement in that company.

E. J. Regan, St. Albans, Vt., a member of the partnership of Regan and Bostwick, licensee of WQDM, described the management contract the partnership had with Glenn D. Gillett and G. S. Wasser. Mr. Wasser and Mr. Gillett also testified.

Alfred H. Morton, an NBC vice-president, in charge of activities at stations owned by Westinghouse and General Electric, described the contracts between NBC and the owners. He also discussed the arrangement whereby NBC leases stations it owns in Portland, Seattle and Spokane. He was followed by Walter Evans, manager of Westinghouse's radio division, and Boyd W. Bullock, assistant manager of broadcasting for General Electric.

S. Howard Evans, secretary of the National Committee on Education by Radio, was erroneously described in the Reports of March 17, as secretary of the National Advisory Council on Radio in Education, Inc.

FLORIDA BROADCASTERS MEET

The Florida Association of Broadcasters met March 12 at the Gatlin Hotel in Orlando. W. Walter Tison, president of the association, presided. The principal business considered at the meeting was prospective legislation by the Florida state legislature, which opens its 1939 session on April 1st. Possible legislation with respect to libel, the performance of phonograph records by radio broadcasting, modification of the present law covering permissible expense items of candidates in primary elections so as to include radio, and copyright monopoly legislation were among the subjects discussed. Mr. Carl Haverlin, representing Davis and Schwegler of Los Angeles, discussed the program of his company in creating tax-free music for broadcasting.

Those attending the meeting were: Henry G. Wells, WCOA, Pensacola; L. S. Mitchell, WDAE, Tampa; Harold P. Danforth and J. E. Yarbrough, WDBO, Orlando; W. Walter Tison, WFLA, Tampa and WLAK, Lakeland; M. S. Wales WIOD, Miami; Jack Hopkins, WJAX, Jacksonville; Reginald Martin and Gunner Back, WJNO, West Palm Beach; Frank King, WMBR, Jacksonville; W. Wright Esch, WMFJ, Daytona Beach; Fred Mizer, WQAM, Miami; Harold Meyer, WSUN, St. Petersburg; Gilbert Freeman, WTAL, Tallahassee.

BLINDFOLD DRIVING ACT

W. E. Hussman, vice-president of KCMC, Texarkana, will gladly tell any member about his experience with Ruth Hill and Eddie Carter, promoters of a "blindfold driving" act.

WALKER STATEMENT

Doubtless because of the recent resignation from the Federal Communications Commission of Judge Eugene O. Sykes, there have been all kinds of further rumors of resignations from the Commission.

Taking into consideration reports that Commissioner Walker intended to resign the Commissioner issued the following statement:

> "The report of my impending resignation is false. As for the rumor from a utility quarter that I am not receptive to reappointment because of criticism of my handling of the Bell Telephone Investigation, that is utterly without foundation. I hope to see a strong report from the Commission on this Investigation, and the enactment of legislation by Congress for adequate regulation of the telephone industry."

TELEVISION APPLICATIONS

The Federal Communications Commission has referred to its Television Committee applications of The Crosley Corporation, Cincinnati, Ohio, and Don Lee Broadcasting System, San Francisco, California, for construction permits for new television broadcast stations to operate on an experimental basis.

The Crosley Corporation asked for authority to use the channel 50,000-56,000 kc. with aural and visual power of 1000 watts unlimited time. Don Lee Broadcasting System requested frequencies 42,000-56,000 kc. with aural and visual power of 1000 watts, unlimited time.

The Crosley station would be erected at Cincinnati and the Lee station on a site to be determined in San Francisco or the immediate vicinity.

The applications are for the purpose of developing television broadcasting as a service to the public in distinction to other outstanding authorizations which permit a development of technical systems of television with public reaction secondary. Some apparatus experimentation is contemplated. However, the primary purpose is the development of a television service to the general public and a means of building programs which will accomplish this purpose. In the case of the Crosley application, the coverage of a typical television installation in the Cincinnati area is to be investigated.

On the committee are Commissioners Craven, chairman, Brown and Case.

RADIO CENSUS

The Federal Communications Commission intends to ask the Bureau of Census, in connection with its new census of population, to ascertain the number of radios in the homes as was done in the last census. The Commission is also going to ask for the number of radios in automobiles. There has been some discussion at the Commission as to whether or not the Census Bureau will be requested to include "radio habits" in the forthcoming census.

766 STATIONS

During February the FCC issued licenses to two new stations and granted construction permit for the erection of a new station. Also a construction permit previously granted was cancelled. The count of stations as of March 1st compared with January 1st and February 1st is as follows:

	Jan. 1	Feb. 1	Mar. 1
Operating stations	722	727	729
Construction permits	42	39	37
Total	764	766	766

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted Broadcasting Station WDEL, **Wilmington, Delaware,** permission to install a new transmitter and to increase its daytime power from 500 watts to 1000 watts. At present the station operates 250 watts night, 500 watts, day, on **1120 kilocycles,** unlimited time.

It was found by the Commission that there is a need for the additional daytime service in the Wilmington area and that granting of the application will not result in interference to any existing or proposed station. The applicant, the Commission stated, is financially qualified to make the proposed changes in equipment.

The application of Station WBLK, **Clarksburg, West Virginia,** to increase its daytime power from 100 to 250 watts on its present assignment of **1370 kilocycles,** has been granted by the Commission.

The station is rendering a meritorious program service, the Commission stated in its decision, to the Clarksburg area and there is a need for the increased daytime power "to furnish its program service to the extended rural areas." The Commission also said that the granting of this application will not cause objectionable interference to any existing or proposed station.

The Commission has granted the application of KFEQ of **St. Joseph, Missouri,** to use 2,500 watts until local sunset at St. Joseph and 500 watts until local sunset at San Francisco, on its present frequency of **680 kilocycles.** At present the station operates with 2,500 watts until local sunset.

The Commission found that the granting of the application will serve public interest. It is stated by the Commission "that the public benefits which will result from the granting of the application are sufficient to overcome (a) the slight interference condition which will result to the service area of Station WPTF, and (b) the departure from allocation standards usually applicable to stations of the class here involved."

The application of Broadcasting Station WPRA, **Mayaguez, Puerto Rico,** to change its equipment and vertical antenna and transmitter site, has been granted by the Commission. The Commission also granted authority to the station to operate on **780 kilocycles,** 1000 watts night, 2,500 watts LS, unlimited time, instead of **1370 kilocycles,** 100 watts night, 250 watts LS, specified hours.

The Commission found that there is need for additional service in the area served by the station and no objectionable interference will be caused by the proposed changes. The Commission found that the applicant has adequate finances to install the proposed equipment and to make the changes in the vertical antenna, and the granting of the application will serve the public interest.

The Commission has granted the application of WRNL, **Richmond, Virginia,** to install a directional antenna and to operate on **880 kilocycles,** with 1000 watts, unlimited time.

It is stated by the Commission that the proposed program service is meritorious and will supply a public need in the Richmond area. The Commission stated that the applicant's existing authority for daytime operation only is not adequate "as to time and hours of operation for the complete and effective broadcasting of the programs proposed." The Commission stated also that the proposed operation will not adversely affect the service of any existing or proposed station.

Application of the Tri-City Broadcasting Company, Inc., for a construction permit for a new station at

Schenectady, New York, to use **950 kilocycles,** 1000 watts, unlimited time, has been denied by the Commission.

The Commission stated in its decision that the granting of the application of the Troy Broadcasting Company, Inc., for a construction permit for a new station at Troy, New York, and operating on **950 kilocycles,** which was effective in September of last year, "precludes the granting of the application of the Tri-City Broadcasting Company, Inc., since the simultaneous operation of both stations would result in destructive interference to the area served by each station."

The Commission also has denied the application of WTAD, **Quincy, Illinois,** to operate unlimited time. The station now operates daytime only on **900 kilocycles** with 1000 watts power.

The Commission stated in its decision that it had to consider "in connection with the proper allocation of radio facilities, satisfactory use of a regional frequency, and good engineering practice." It was found by the Commission that if the unlimited time were granted to this station that it would be limited at nighttime to the 5.3 millivolt per meter contour. In connection with this decision the Commission said further:

"It is not considered to be in accordance with proper allocation of radio facilities, satisfactory use of a regional frequency, and in accordance with good engineering practice to license a radio broadcast station to operate on a regional frequency where the limitation will be to the extent shown to exist in this case. In the absence of compelling need, which has not here been shown to exist, the Commission will not grant an application for a regional broadcast station where its nighttime service will be limited to its 5.3 millivolt per meter contour."

Application of R. C. Atwood for the erection of a new broadcast station at **Port Angeles, Washington,** to use **1500 kilocycles,** 100 watts night, 250 watts daytime, unlimited hours, was denied by the Commission.

The Commission stated that the applicant has no experience in broadcasting which fact "together with his limited financial ability to employ qualified and experienced personnel, precludes a finding that he is technically qualified." The Commission stated also that the applicant did not show "a knowledge of acquaintanceship with the needs of the community which he seeks to serve."

The Commission has granted the application of KVOD, **Denver, Colorado,** to permit it to change from **920 kilocycles,** 500 watts, sharing time with KFEL, Denver, to **630 kilocycles,** 1000 watts, unlimited time, using a directional antenna at night.

The Commission also granted the application of KFEL to increase its power on **920 kilocycles** from 500 watts, sharing time with KVOD, to 1000 watts, unlimited time.

Dealing with KVOD, the Commission found that the granting of the application would not cause objectionable interference to any existing station. In connection with the granting of KFEL's application, the Commission also found that under the proposed change no objectionable interference would be caused and that a need exists for the proposed service.

FINDINGS OF FACT AND CONCLUSIONS

The Federal Communications Commission this week adopted a Proposed Findings of Fact proposing granting the application of KTOK, **Oklahoma City, Oklahoma,** to change its equipment and operation during unlimited hours on its frequency of **1370 kilocycles.** At present the station operates unlimited hours with 100 watts power, but under the Proposed Finding the power is increased to 250 watts daytime, and 100 watts night.

In the Proposed Finding, the Commission stated that there is an existing public need for the additional service which would result from the daytime operation of KTOK with the increased power requested. Such interference as would result from the granting of the increased power "is not sufficient to warrant the disapproval of this application." The Commission has given all parties an opportunity to file exceptions within 20 days.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of March 27. They are subject to change.

Monday, March 27

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Tuesday, March 28

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license, **1310 kc.,** 100 watts, unlimited time. Present assignment: **1310 kc.,** 100 watts, shares WJAC.

NEW—Lawrence J. Heller, Washington, D. C.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Lawrence J. Heller, Washington, D. C.—Special experimental authorization, **1310 kc.,** 10 to 100 watts, unlimited time.

Wednesday, March 29

NEW—Northwest Broadcasting Co., Fort Dodge, Iowa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, specified hours.

Friday, March 31

KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 250 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

April 20

WAGA—Liberty Broadcasting Co. (Assignor), Liberty Broadcasting Corp. (Assignee), Atlanta, Ga.—Voluntary assignment of license, **1450 kc.,** 500 watts, 1 KW LS, unlimited time.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.,** 1 KW daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.,** 1 KW, daytime.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 kc.,** 250 watts, daytime. Present assignment: **1310 kc.,** 100 watts, daytime.

April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.,** 100 watts, unlimited time.

May 10

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1380 kc.,** 500 watts, unlimited time.

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

Hearing Reopened

Broadcast

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.,** 1 KW, unlimited time. Present assignment: **1390 kc.,** 1 KW, unlimited time.

May 15

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted C. P. to make changes in composite equipment and increase day power from 1 KW to 5 KW (operate 5 KW local sunset at Eau Claire, 1 KW local sunset at Abilene).

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of C. P. to move transmitter site locally to .4 mile east of Wheaton, Md., and install a directional antenna system.

NEW—WHB Broadcasting Co., Kansas City, Mo.—Granted C. P. for new high frequency (exp.) broadcast station, frequency **26100 kc.,** on an experimental basis only conditionally, 100 watts.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Application for C. P. to move station to Council Bluffs, Iowa, a distance of approximately 40 miles, and install a radiating system. (Station operates on **930 kc.,** 1 KW night, 5 KW day, unlimited.) (Application was set for hearing as pending applications from both Iowa and Nebraska involve an increase in service to the metropolitan area of Council Bluffs and Omaha, and to determine if interference might result.)

NEW—World Peace Foundation, Abraham Binnewag, Jr., Oakland, Calif.—Set for hearing application for C. P. for new international broadcast station on an experimental basis to be located in Oakland, Calif., to use frequencies **6040, 9510** and **11890 kc.,** 5 KW power, unlimited time. (Application designated for hearing to determine financial qualifications of applicant and the proposed research program.)

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Set for hearing application for C. P. to move transmitter site, exact site to be determined with Commission's approval; install new equipment, and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day. (Application designated for hearing to determine if interference might result.)

NEW—Joseph A. Lattimore, Shelby, N. C.—Set for hearing application for C. P. to erect a new station to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KVOS—KVOS, Inc., Bellingham, Wash.—Set for hearing application for renewal of license, and granted temporary license pending hearing on renewal of KVOS and the application of the Bellingham Broadcasting Co.

KWLC—Luther College, Decorah, Iowa.—Set for hearing application for renewal of license, and granted temporary license. (Application designated for hearing to be heard with application of Mason City Globe Gazette Co. (KGLO), and application of KGCA. KGLO requests facilities of these two stations.)

KGCA—Charles Walter Greenley, Decorah, Iowa.—Set for hearing application for renewal of license and granted temporary license subject to whatever action may be taken upon pending applications for renewal of KGCA, KWLC, and KGLO. (Set for hearing to be heard with the applications of KWLC and KGLO.)

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Set for hearing, to be heard with application for renewal, an application for C. P. requesting change in transmitter and studio sites (local move approximately 200 feet), and installation of a vertical radiator. (This application was designated for hearing in view of the fact that applicant's renewal of license was designated for hearing because of violations of Rules 132, 139, 143 and 144 and 172.)

RENEWAL OF LICENSES

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WCAM—City of Camden, Camden, N. J.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WNEL—Juan Piza, San Juan, P. R.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted renewal of license for the regular period ending September 1, 1939.

WASH—King Trendle Broadcasting Corp., Grand Rapids, Mich.—Present license extended upon a temporary basis only for the period ending May 1, pending determination upon renewal application.

WNAC—The Yankee Network, Inc., Boston, Mass.—Present license extended upon a temporary basis only for the period ending May 1, pending determination upon renewal application.

Licenses for the following high frequency broadcast (experimental) stations expiring April 1 were extended upon a temporary basis only, pending determination upon renewal applications, for the period ending May 1, 1939:

W9XUY, Central States Broadcasting Co., Omaha; W2XDV, Columbia Broadcasting System, Inc., New York; W9XHW, Columbia Broadcasting System, Inc., Minneapolis; W8XNU, The Crosley Corp., Cincinnati; W9XA, Commercial Radio Equipment Co., Kansas City, Mo.; W8XWJ, The Evening News Assn., Detroit; W9XLA, KLZ Broadcasting Co., Denver; W2XQO, Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.; W4XCA, Memphis Commercial Appeal Co., Memphis, Tenn.; W9XUP, National Battery Broadcasting Co., St. Paul; W2XDG, National Broadcasting Co., Inc., Bound Brook, N. J.; W2XHG, National Broadcasting Co., Inc., New York City; W9XH, South Bend Tribune, South Bend, Ind.; W4XBW, WDOD Broadcasting Corp., Chattanooga; W1XKA, Westinghouse E. and M. Co., Boston; W1XKB, Westinghouse Co., E. Springfield, Mass.; W8XKA, Westinghouse Co., Pittsburgh, Pa.; WKY Radiophone Co., Oklahoma City (W5XAU); W1XER, The Yankee Network, Inc., Sargents Purchase, N. H.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, but in no event later than May 1, 1939.

MISCELLANEOUS

NEW—Colonial Broadcasting Corp., Norfolk, Va.—Dismissed with prejudice application for C. P. (Ex. Rep. 1-669).

NEW—Martin Anderson, Orlando, Fla.—Denied (Walker, Craven and Payne, Commissioners, voting "No"), the petition of applicant for rehearing on his application for C. P., which was denied by the Commission on December 23, 1938.

KRLD—KRLD Radio Corp., Dallas, Tex.—Retired to the closed files application for Mod. of C. P. which was granted November 7, 1938.

KDEA—The KANS Broadcasting Co. (Wichita, Kans.), Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.,** 40 watts.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted license to cover C. P. authorizing new station to operate on **1210 kc.,** 100 watts night, 250 watts day, unlimited time.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

KTBC—State Capitol Broadcasting Assn., Austin, Texas.—Granted modification of C. P., subject to compliance with Rules 132 and 139, to change type of transmitter.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted license to cover C. P. authorizing new station to operate on **1210 kc.,** 100 watts, daytime only.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted modification of C. P. for changes in equipment in television (Exp.) broadcast station.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted license to cover C. P. as modified, authorizing minor changes in equipment.

W8XIG—Evening News Association (Detroit, Mich.) Portable-Mobile—Granted modification of Exp. broadcast station license to increase authorized power from 3 to 4 watts without new construction.

W2XDA—General Electric Co., Schenectady, N Y.—Granted license to cover C. P. for new high frequency broadcast (exp.) station, frequency **41800 kc.,** on an experimental basis conditionally, 50 watts.

WHB—WHB Broadcasting Company, Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to install directional antenna and move transmitter and studio.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to install directional antenna and move transmitter and studio.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Action on applicant's motion for continuance of hearing now set for April 7 to some time after July 1, was continued for two weeks with leave to counsel to amend if he so desires.

WSPA—Voice of South Carolina, Spartanburg, S. C.—Overruled motion of WSPA (Intervener) to continue hearing now set for March 27 until late June or early July on application of Spartanburg Advertising Co. for a new station to operate on **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted motion to take depositions in re application for C. P. to change frequency from **1370 kc.** to **1390 kc.** and power from 100 watts, 250 watts LS, unlimited, to 1 KW, unlimited, move transmitter and install directional antenna for night use.

KOVC—KOVC, Inc., Valley City, N. Dak.—Granted petition to continue hearing now set for April 3 to May 15 in re application to change from **1500 kc.,** 100 watts, 250 watts LS, unlimited, to **1340 kc.,** 500 watts, 1 KW LS, unlimited.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted petition to continue hearing now set for April 10 to April 24 on application for C. P. to increase power from 100 to 250 watts, on **1310 kc.,** daytime.

NEW—Coastal Broadcasting Co., Brunswick, Ga.—Granted petition for order to take depositions in re application for new station to use **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—Granted petition to amend application with reference to transmitter site, and to retain the hearing date of May 10, 1939, in re application to install new transmitter and DA for night use; change frequency from **1380 kc.** to **630 kc.,** power from 500 watts to 1 KW, and move transmitter and studio locally.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted continuance of hearing now scheduled for March 17, to April 20, on application for consent to voluntary assignment of license to Liberty Broadcasting Corp.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to rebroadcast a two-way exchange of communication with Coast Guard Ice Patrol Cutter *Chelan,* with call letters NRUB, operating on frequencies **2680 kc.** to **4230 kc.** This broadcast will constitute a part of the Americans at Work program, a Columbia sustaining feature, for the period April 15 to 30, communications from Coast Guard cutter to be picked up by RCAC on Long Island and thence transmitter to WABC for rebroadcast.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted supplemental petition to take depositions in re application for modification of license to increase hours of operation from daytime only to local sunset at WHK, on **1390 kc., 1 KW.**

NEW—The Brockway Company, Watertown, N. Y.—Granted petition for continuance of hearing now set for April 6, and opposition to petition filed by Edw. J. Doyle. Hearing on application of Edw. J. Doyle for C. P. to erect a new station at Rochester, N. Y., to use **1270 kc.,** 500 watts, daytime, was continued without date.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Directed that hearing date remain as May 10, 1939, the same date as Docket 5310, in re application of M. C. Reese, Phoenix, Ariz.

NEW—M. C. Reese, Phoenix, Ariz.—Granted petition for continuance of hearing now set for April 10, and the hearing on applicant's application for new station to operate on **1200 kc.,** 100 watts, 250 watts day, unlimited, was continued to May 10, the same date as scheduled for application of KOY, Docket 5054.

WBAX—John H. Stenger, Jr., Assignor, and Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Granted motion to dismiss without prejudice, the application for assignment of license of station WBAX.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m., and 2 to 4 p. m., CST, on April 4, 5, 11, 12, 13, 18, 19, 20, 25, 26 and 27, and from 8 to 10 p. m., CST, on April 28, in order to broadcast Educational programs (provided KGGF remains silent).

KGGF—Powell & Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on April 6, in order that Station WNAD may remain silent for Easter vacation, and from 8:15 to 9:15 p. m., CST, on April 5, in order to broadcast concert by Coffeyville Community Chorus, (provided WNAD remains silent).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.,** using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (March 6:15 p. m. and April 7 p. m., PST), for the period March 24 to April 22.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period March 24 to April 22.

WCO—Press Wireless, Inc., Hicksville, N. Y.—Granted special temporary authority for mobile press station WCO to communicate on frequency **6450 kc.** with relay broadcast station WBAM on March 19 during reception of program material to be delivered to broadcast station WOR. This authority is on a temporary basis only, and may be cancelled without notice or hearing.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast station W2XUP on frequency **25700 kc.** in lieu of normal licensed frequencies for the period March 19 to April 17, pending definite arrangements to be made in ultra high frequency bands.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XOP, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequencies **31.22** and **37.02 megacycles** in lieu of present assignments **31.1** and **37.6 megacycles,** for the period March 21 to April 19, pending adjustment of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order 19.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with WJBO from 4 to 6:45 p. m., CST, March 23 and 24, in order to broadcast intercollegiate baseball games.

W2XDA—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test the high frequency broadcast equipment of station W2XDA authorized by C. P., on the frequencies **41000, 41250** and **41500 kc.,** power output 50 watts, for a period not to exceed 30 days, for the express purpose of conducting frequency modulation experiments.

W10XFZ—Don Lee Broadcasting Co., Los Angeles, Cal.—Granted special temporary authority to operate Relay Breadcast (Exp.) station W10XFZ with 10 watts instead of 100 watts, transmitting eqpt., for a period of 30 days pending the filing and action on application for C. P. to change the eqpt. and licensed power of station.

W8XPJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to operate high frequency broadcast (exp.) station on frequency **42060 kc.** in addition to the normal licensed frequencies, for a period of 30 days, pending definite arrangements to be made in the ultra high frequency bands.

W2XBF—Wm. G. H. Finch, New York City.—Granted extension of special experimental authority to operate experimental broadcast station W2XBF on frequency **42260 kc.** in addition to normal licensed frequencies, for the period March 22 to April 20, pending definite arrangements to be made in the ultra high frequency bands.

WLL-WQV-WCG-WDN—RCA Communications, Inc., Rocky Point, N. Y.—Granted extension of special temporary authority for stations to communicate on regularly assigned frequencies with relay broadcast stations KSFM and WCBN aboard seaplane on flight from Alameda, Cal., to Europe and return by way of New York, for contact control purposes in connection with reception of addressed program material. This authority is granted on a temporary basis only for a period of 1 month from March 28 to April 28, subject to condition that no interference is caused to the point-to-point service for which these stations are licensed, and may be canceled at any time by the Commission without notice or hearing.

W6XBE—General Electric Company, Schenectady, N. Y.—Granted license to cover C. P. as modified for new international broadcast station; frequencies **6190, 9530** and **15330 kc.,** on a temporary experimental basis only, subject to change or cancellation by Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises; 20 watts.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted special temporary authority to increase the fields in the directions of the minimums to around 500 millivolts per meter, for a period of 10 days, in order to determine the cause of fading in the Petersburg, Va. area.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate relay broadcast station KSFM aboard Boeing seaplane *Yankee Clipper* on the frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.,** in addition to the normal licensed frequencies, for the period March 29 to April 27, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from California to New York and Europe and return; program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC Network.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 7:30 to 8:45 p. m., MST, on March 23, in order to broadcast speech on special Rotary Club Program.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to rebroadcast over station WTAR special program from aboard the USS San Francisco while passing out Hampton Roads, for a period of 15 minutes on March 21.

KHUB—John P. Scripps, Watsonville, Cal.—Granted special temporary authority to operate from 8:30 to 9:30 p. m., PST, on March 29, in order to broadcast an address given by Stephens F. Chadwich, the National Commander of the American Legion.

KGCA—Charles Walter Greenley, Decorah, Ia.—Granted extension of special temporary authority to remain silent for the period March 23 to April 21, pending KWLC's compliance with Rule 131.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W2XE over station WKAQ, for a period of 30 days, on a noncommercial exp. basis only.

APPLICATIONS FILED AT FCC

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Modification of C. P. (B3-P-228) as modified for extension of completion date from 3-26-39 to 4-26-39.

930 Kilocycles

KROW—Educational Broadcasting Corp., Oakland, Calif.—Authority to transfer control of corporation from H. P. Drey, S. L. Brevit, R. E. Morgan, Charles Martin, C. V. Knemeyer, to W. I. Dumm, Philip G. Lasky, Fred J. Hart, and Wallace F. Elliott, 9536.5 shares stock.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of license to change hours of operation from daytime to limited, sunset at Eau Claire, Wis.

1110 Kilocycles

WRVA—Larus & Brother Co., Inc., Richmond, Va.—C. P. to use old W.E. D-94992 transmitter as an auxiliary transmitter for emergency use only.

1120 Kilocycles

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license to change frequency from **920 kc.** to **1120 kc.,** time from daytime to unlimited, and power from 1 KW to 500 watts night, 1 KW day.

1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Construction permit to install a new transmitter; make changes in antenna; increase power from 1 KW to 1 KW night, 5 KW day; and move transmitter from 518 S. E. Morrison St., Portland, Ore., to Barnes Road, west of city limits of Portland, Ore.

WBBR—Peoples Pulpit Asso., Brooklyn, New York.—Modification of license to change name from Peoples Pulpit Association to Watchtower Bible & Tract Society, Inc.

1310 Kilocycles

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Authority to transfer control of corporation from J. T. Norris and B. F. Forgey to Gilmore N. Nunn and J. Lindsay Nunn, 110 shares of common stock.

1500 Kilocycles

KBKR—Louis P. Thornton, Baker, Oregon.—Modification of construction permit (B5-P-1841) as modified for a new station, requesting authority to move studio and transmitter locally (same address), extend commencement and completion dates from 12-17-38 and 6-17-39 to 60 days after grant and 240 days thereafter.

WKEU—Radio Station WKEU, Griffin, Ga.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

MISCELLANEOUS

W2XAF—General Electric Co., S. Schenectady, N. Y.—License to cover construction permit (B1-PIB-8) as modified for equipment changes.

NEW—Jonas Weiland, Kinston, N. C.—Construction permit for a new relay broadcast (experimental) station on **31100 kc.**, 2 watts power, A-3 emission. Amended to specify frequencies **31100, 34600, 37600** and **40600 kc.**

KIFO—Nichols & Warinner, Inc., Long Beach, Calif.—License to cover construction permit (B5-PRY-142) for new equipment and reduction in power.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Metz Bros. Baking Company—Charging price discrimination in the sale of bread in violation of the Robinson-Patman Act, a complaint has been issued against Metz Bros. Baking Company of Sioux City, Iowa, and Sioux Falls, South Dakota.

The complaint alleges that the respondent discriminates in price between different purchasers buying its bread of like grade and quality by giving certain purchasers lower prices than those allowed others. In certain trade areas the respondent is alleged to sell its products of the same grade, quality and weight at lower prices than it sells the identical products in other localities. (3740)

Restoria Company—Harry Epstein, trading as Restoria Company, with a place of business at 805 East Mason St., Milwaukee, Wis., is charged in a complaint with misrepresentation in the sale and distribution of a medicinal preparation known as "Restoria," sold as a treatment for the blood and a remedy for blood disorders. Bad blood, ulcers, eruptions, swollen glands, eczema, neurasthenia, rheumatism, syphilis, skin eruptions, and blood poisoning are among the ailments for which the preparation is alleged to be sold as a cure.

The complaint alleges that false statements and misrepresentations were disseminated by the respondent as purported testimonial letters. Claims that the preparation is manufactured in modern laboratories under expert supervision and is safe and harmless, and that its use will produce no bad after-effects, also were alleged to have been made. The complaint alleges that these assertions are false and misleading and that the respondent fails to reveal to purchasers that use of the preparation by uninformed persons under conditions prescribed might cause injury to health. (3737)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

W. H. Barnard Rubber Company—W. H. Barnard, trading as W. H. Barnard Rubber Company, 131 South Fourth St., Philadelphia, has been ordered to cease and desist from certain misrepresentations and practices in the sale of garden hose and other rubber goods.

The respondent, according to findings of the Commission, is only a jobber in rubber goods, although representing himself as a manufacturer, and is found to have sent to purchasers material inferior to displayed samples. He is also ordered to cease representing that products distributed by him are of a quality, fabric, material, construction or value other than such products are in fact. (3520)

E. J. Brach & Sons, a Chicago candy manufacturing corporation, has been ordered to cease and desist from the use of lottery methods in the sale of its products to ultimate consumers.

Through the use of lottery devices, such as push cards or punch boards, the respondent has distributed candy to the purchasing public wholly by chance, the Commission found.

The respondent corporation was directed to cease selling or otherwise disposing of any merchandise by the use of punch boards or push or pull cards or other lottery devices and required to cease supplying others with assortments of candy or other merchandise for use without alteration to conduct a lottery. (3307)

Certified Sales Service—See Good Humor Corp. of America.

DeKama, Inc.—An order to cease and desist has been issued against DeKama, Inc., 3255 Wilshire Blvd., Los Angeles, prohibiting misleading representations in the sale of cosmetics.

The order directs the respondent to discontinue representing that, because of the hormone or gland extracts therein, any of its preparations is of remedial or therapeutic value in the prevention or treatment of skin conditions or disorders or will beneficially affect the oil glands and pores. The order also prohibits the assertion that use of the preparations will nourish and rejuvenate the skin and prevent sagging or wrinkling. (3480)

Good Humor Corporation of America, 64-81 Metropolitan Ave., Maspeth, Long Island, N. Y., Sidney A. Weitzman, trading as Certified Sales Service, 357 West 63rd St., Chicago, and Fred W. Herrschner, Jr., trading as 20th Century Sales Company, 329 South Wood St., Chicago, were served with orders to cease and desist from the use of lottery methods in the sale of products to ultimate consumers.

Good Humor Corporation of America was directed to discontinue placing in the hands of others for use in conducting a lottery sticks coated with ice cream, or other articles of merchandise. Findings are that certain of the sticks bore the words "Lucky Stick," concealed by the ice cream, and that ultimate purchasers of these "Lucky Sticks" were entitled to another stick without additional cost.

The respondent no longer sells the sticks, according to the findings.

Engaged in the sale of various articles of merchandise, including clocks, electric razors, cameras, vibro shavers, and pen and pencil sets, Certified Sales Service and 20th Century Sales Company were ordered to cease selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices.

The Commission found that through use of lottery devices the three respondents distributed their products to the purchasing public wholly by lot or chance. (3516, 3245, 3251)

Lightmore Appliance Corporation and Solar-Ray Lamp Co., Inc., 16 East 12th St., New York, makers and distributors of incandescent lamps for general lighting service and for country home lighting, have been ordered to desist from certain misrepresentations concerning their product.

Among misrepresentations prohibited was the respondents' assertion that their products sell for less or operate more economically than similar competing products.

The Commission found that the Lightmore and Solar-Ray bulbs were not of high quality and uniformity, and did not produce good service and economy.

Another misrepresentation prohibited is that the respondents' lamps are made in the United States by skilled American workers. Findings are that the lamps are not wholly made in the United

States; that many of them contain bases made in Japan by foreign workers and are labeled "Made in Japan," but that this label is concealed from the view of buyers when these bases are placed in lamps ready for use. The cost of these bases was found to be $4.25 per thousand for Japanese as compared with $5.65 per thousand for American bases, or a saving by using Japanese instead of American bases of a trifle less than one-seventh of one cent per lamp.

The order also forbids the misrepresentation that Solar-Ray Lamp Co., Inc., manufactures light bulbs. Findings are that this company, a distributor, never made lamps, and that, although still in existence as a corporation, it is not at present in actual operation. (2575)

Lux-Visel Company, Inc., Elkhart, Ind., manufacturer and distributor of an electric water heater advertised as a "Magic Disc" that "heats water instantly," has been ordered to cease and desist from misrepresentations concerning its product.

Typical of the advertisements of the respondent, the Commission found, was one reading "Mysterious Disc Boils Water instantly without coal, gas or oil. Pays to $30 daily. New Principle. Pocket size. Free offer. Write Superlux, Elkhart, Indiana."

Prospective salesmen who replied to the advertisement were found to have been sent "follow up" literature containing, among others, representations as follows: "Thousands of others have accepted my FREE SAMPLE OFFER and are now making profits up to 233%, and you can do the very same thing. Unlike other concerns which require you to buy your sales outfit at an exorbitant price, I am going to help you get started with my FREE SAMPLE OFFER, which you will find explained in detail under Offer #1 in the enclosed application blank. I will send you two SUPER LUX HEATERS for the price of only one, which is $3.00. When they arrive you can sell one immediately for $3.00 and get your money back. That will give you your demonstrator without any cost whatsoever."

The Commission's findings are that the respondent does not make a "free offer" and its agents do not normally make profits "up to $30 a day" or any comparable amounts. (3683)

Solar-Ray Lamp Company—See Lightmore Appliance Corporation.

20th Century Sales Company—See Good Humor Corp. of America.

STIPULATIONS

The Commission has entered into the following stipulations:

Theo. Alteneder & Sons, New York City, manufacturing drawing instruments, including compasses, bow instruments, ruling pens, beam compasses, dividers and railroad pens, will abandon the representation in its catalogs or otherwise that its drawing instruments are the only ones currently made in the United States or that it is the nation's only drawing instruments manufacturer, when this is not a fact.

Brock Candy Company—A Tennessee candy company and an Oklahoma flour miller have entered into stipulations to discontinue lottery methods in the sale of their products to ultimate consumers.

Respondents are: Brock Candy Company, 1113 Chestnut St., Chattanooga, Tenn., and Dobry Flour Mills, Inc., Yukon, Okla.

Brock Candy Company, according to its stipulation, sold to jobbers and retailers its "150 Humdinger Assortment" so assembled that ultimate purchasers selecting pieces having pink centers received a 5-cent bar of candy without extra cost. The respondent company also distributed another assortment together with a punch or push card. In each instance the ultimate consumer received prizes wholly by chance, according to the stipulation.

Dobry Flour Mills, Inc., in an effort to stimulate sales to the wholesale and retail trade, according to the stipulation, furnished retailers with a large card containing numbered lines on which purchasers wrote their names. A master seal on the card was broken when the lines were filled with names and the individual whose number was the same as that under the seal received wholly by chance a barrel of flour, according to the stipulation. (2411-2414)

Cannon Cosmetic Company—W. S. Cannon, Jr., trading as Cannon Cosmetics Company, Atlanta, Ga., agrees to cease advertising that his cosmetics act quicker or are in any way superior to or lower in price than numerous similar competing products; that 200,000 or any other unsubstantiated number of customers use his products; that Cannolene Tar Shampoo has a direct influence on the cause of dandruff; that Complexion Powder contains only the purest ingredients in perfect balance, or that the respondent's cocoanut oil shampoo is made of cocoanut oil, the respondent admitting that the preparation is made of cocoanut oil base soap added to water. (02337)

Clay-Adams Company, Inc., New York City, wholesaler of various types of surgical intruments and laboratory supplies, including microscope cover glasses, stipulates that it will cease using on labels affixed to containers of its microscope cover glasses or in any other way the slogan "Made in U. S. A." or any other word of similar inference implying that the glass of which these products are made is, or that the products in their entirety are, of domestic origin, when this is not a fact. (2413)

Denney & Denney—Frances Denney, a corporation, and Anthony deP. Denney, John D. Denney, Anne Denney Fleming and William F. Denney, Jr., trading as Denney & Denney, Philadelphia, Pa., in the sale of their various cosmetic preparations, will refrain from advertising that the use of the products will eliminate or prevent crowsfeet or wrinkles, or that any of the products constitutes a competent treatment for acne generally. (02338)

Direct Mail System—Charles C. Howell, trading as The Direct Mail System, Summit, N. J., engaged in selling a plan for making money designated Prosperity Scheme, agrees to desist from representing that his plan or scheme will enable anyone to earn money fast, is a sure or immediate way of making money, enables one to start a profitable business on less than $3 capital, or will lay the foundation for a profitable business, and that his proposition is suitable for any person, regardless of age, educational or business qualifications, or environment. (02332)

Dobry Flour Mills, Inc.—See Brock Candy Company.

Marie Earle, Inc., New York City, stipulates that it will cease various representations concerning its cosmetic products and agrees to desist from use of the word "acne" in the trade name Acne Lotion, unless clearly explained that the preparation is limited to treating superficial conditions; designating as "astringent" the product Astringent Throat Cream; advertising Strong Astringent in any way implying that its astringent properties are strong so long as they are in fact extremely mild; designating as a bleach the products Perfection Elixir (Liquid Bleach) and Perfection Extra Strong Bleach (Liquid), unless the products are accompanied by a warning to the effect that the container must be kept tightly closed to retain the effectiveness and that even then the bleaching power lasts but a limited time. (02340)

Gray Drug Store—Frank Kalen, trading as Gray Drug Store, New York City, will desist from advertising that use of Mul-Leves for the Hair will stimulate new hair growth or stop falling hair, and that use of the respondent's shampoo will assure a healthy scalp or a scalp free from dandruff. The respondent agrees to discontinue use of the name Eyelash Grower for a product so designated. (02339)

Charles Marchand Company—Under its stipulation, The Charles Marchand Company, New York City, will desist from representing that the use of Marchand's Golden Hair Wash will achieve results which cannot be obtained by competing products; that this preparation will keep the hair healthy; that its application will not lighten the color of the hair of brunettes; that the product is guaranteed, unless the advertisement clearly explains that the guarantee is limited to a refund of the purchase price; that its use "restores" any natural characteristic or quality or enables every user to be a "natural" blonde. (02335)

New York Post, Inc., and its subsidiaries, Publishers Service Company, Inc., both of 75 West St., New York, have entered into a stipulation to discontinue certain misleading representations in the sale of ten-volume sets of books entitled Oxford Universal Dictionary and Oxford Universal English Dictionary.

Among the respondents' customers, according to the stipulation, were newspaper publishers who used the books in connection with circulation promotion plans offered by Publishers Service Company, Inc.

Each of the respondent corporations agrees to desist from the use in their advertisements or in any other way of the words "gold leaf" as descriptive of the lettering, embossing or finishing of such books which are not in fact lettered, embossed or finished in gold leaf or gold; and from use of the word "gold" in any way so as to imply that the material used in the lettering, embossing or finishing of the books is gold leaf or gold, when such is not a fact. (2408)

Peris—A. Peris, trading as Peris, East Rochester, N. Y., in offering for sale a money-making plan involving salted peanuts in the shell, will discontinue representing that there have been no salted peanuts in the shell since the advertiser retired and that there is no competition in this field, and that his plan will enable one to make a fortune without capital. The respondent further agrees that he will not make unmodified representations or claims of earnings in excess of the average earnings of active full-time purchasers of his plan under normal business conditions. (02333)

Publishers Service Company—See New York Post, Inc.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 13, March 31, 1939

The Week In Washington

Frederick I. Thompson, Alabama newspaper publisher, has been named by President Roosevelt to succeed Judge Eugene O. Sykes on the Federal Communications Commission, effective April 5. The Senate is generally expected to confirm the appointment without objection. Judge Sykes retires April 5.

Neville Miller, opposing enactment of bills to forbid liquor advertising by radio, told the Senate Interstate Commerce Committee this week that such legislation would be "a very dangerous precedent" and could "easily be the first of a series of such laws". He pointed out that the NAB Board of Directors was on record that no station should carry hard liquor advertising and that only a very few did.

At a three day meeting last week, the Program Standards Committee made an exhaustive study of proposals for bettering broadcast programs and laid down the general principles for a new code of standards to be submitted to the members at the July 10 convention in Atlantic City.

Some relief from hardships imposed by the stringent restrictions on working hours of higher salaried employees by the Wage and Hour Act is in sight. The Chairman of the House Labor Committee has introduced an amendment to exempt from the hours restrictions all employees making $200.00 or more a month. Postponement of the effective date of an increase in the Social Security payroll tax due next January 1, also has been proposed by the Administration.

"Free offers" continue to roll in, most of them constitute attempts of various interests to get some free advertising on the air. Increased interest in this subject on the part of the members leads the NAB to believe that the days of the time chiselers are numbered.

FREDERICK I. THOMPSON SUCCEEDS JUDGE SYKES AT FCC

Frederick I. Thompson, Alabama newspaper publisher, was nominated on Tuesday by President Roosevelt to succeed Judge Eugene O. Sykes as member of the Federal Communications Commission. Judge Sykes' resignation is effective on April 5, and Mr. Thompson will serve the unexpired portion of Judge Sykes' term on the Commission ending July 1, 1941.

Mr. Thompson is well known in Washington, having served on the Shipping Board under Presidents Wilson, Harding and Coolidge. He was born in Aberdeen, Mississippi, in 1875 and has been in newspaper work most of his life. Mr. Thompson was educated in the public schools of Aberdeen. In 1900, he married Adrianna Ingate of Mobile, Alabama.

From 1892 through 1895 he was editor of the Aberdeen Weekly and from 1897 through 1902 with the Weekly Commercial Appeal of Memphis, Tennessee. Mr. Thompson was a member of the firm of Smith & Thompson, newspaper representatives, of New York and Chicago from 1902 to 1908, and from 1909 through 1932 was chief

(Continued on page 3376)

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FREDERICK I. THOMPSON SUCCEEDS JUDGE SYKES AT FCC

(Continued from page 3375)

editor and publisher of the Mobile Daily and Sunday Register. He was also chief owner and publisher of Mobile News-Item in 1916 through 1932, and in 1922 was with the Montgomery (Ala.) Journal. Mr. Thompson was with the Daily and Sunday Age-Herald, Birmingham, Alabama, from 1922 to 1927. He was a director of the Associated Press.

Mr. Thompson was a delegate to the Democratic National conventions in 1912, 1924 and 1928, and in 1920 was appointed a Commissioner of the United States Shipping Board by President Wilson. He was reappointed by President Harding in 1921 and by President Coolidge in 1923. He resigned his Commissionership in 1925. In 1933 Mr. Thompson was appointed a member of the Advisory Board on Public Works by President Roosevelt. He was also a member of the Alabama State Docks Commission in 1935. His home in in Mobile, Alabama.

At Monday's meeting of the Communications Commission, Commissioner Case offered a resolution of tribute to Judge Sykes which was spread upon the minutes of the Commission "as a token of the esteem wherein the retiring member is held by his colleagues." The resolution follows:

WHEREAS, Judge Eugene O. Sykes has tendered his resignation as a member of the Federal Communications Commission, thus voluntarily terminating an honorable and continuous service in that body since its organization in July, 1934; and

WHEREAS, he was the first Chairman of the Federal Communications Commission and brought to the regulation of the communications industry a wealth of valuable experience already gained as a member and Chairman of the Federal Radio Commission, to which he was appointed in 1927, and on which he served until the formation of the present regulatory body, making a total tenure of office as a Commissioner of twelve years; and

WHEREAS, throughout his incumbency he has unremittingly and unsparingly devoted himself to the duties of his office, applying to its conduct the exercise of a calm judicial temperament and the powers of a keen analytical mind trained in the school of jurisprudence; and

WHEREAS, the stabilizing quality of his influence in the deliberations of this Commission, coupled with his conspicuous ability to grasp the essential elements of the question at issue, often proved the determining factor in arriving at an equitable solution of perplexing problems; now, be it

RESOLVED: That the members of the Federal Communications Commission fully conscious of the loss which this body sustains in Judge Sykes' retirement from its councils, as a unit herewith place themselves on record as sincerely regretful of his determination to withdraw from their wholly agreeable personal and official relationships with him as a member of this body, and convey to him in all cordiality and sincerity their assurance of the hope that the friendships cemented during their association with him may endure, and that he may be altogether happy in the successful prosecution of any enterprise to which he may devote his talents; and, be it further

RESOLVED: That this expression of goodwill and sentiment be spread upon the minutes of this Commission as a token of the esteem wherein the retiring member is held by his colleagues.

President Roosevelt on Monday of this week accepted the resignation of Judge Sykes from the Commission effective April 5. Judge Sykes in his letter of resignation to the President, dated March 9, said:

"After twelve years continuous service as a member of the Radio Commission, and its successor the Communications Commission, I have the honor to tender my resignation as a member of the Communications Commission. If agreeable to you, I would like to have it effective at the close of the business day the 31st instant.

"Permit me to express my deep appreciation for the confidence you have shown in me by appointing me on each of these Commissions. I assure you it has been a pleasure to be associated with your administration.

"With highest personal regards."

The President in accepting Judge Sykes' resignation said:

"At your request, I am accepting your resignation as a member of the Federal Communications Commission, effective April 5, 1939. In doing so, I want to assure you of my appreciation of your long service on the Commission and to extend to you my best wishes for your future success."

MILLER OPPOSES LIQUOR AD BAN AT SENATE HEARING

Neville Miller made the following statement March 29 before the Senate Interstate Commerce Committee at its hearing on bills to forbid liquor advertising by radio:

Radio is a growing industry, and it is but natural that it should have its problems. However, before enacting any legislation, the facts should be carefully studied to ascertain if a real fault does exist, if the legislation is the proper approach, and if it will cure and at the same time not produce other and maybe greater problems.

It is proposed by legislation to prohibit the advertising of alcoholic beverages on the radio. Considering the fact that, as will be shown later, the amount of such advertising is relatively very small, and the further fact that the radio industry is today engaged in an extensive study of program standards, we do not believe that conditions call for legislation and it undoubtedly will set up a very dangerous precedent.

Furthermore, such legislation is not necessary, nor is it proper at the present time, because the present set-up is sufficient to produce the desired result. No other advertising medium is so sensitive to public opinion as radio. Vast sums of money are being spent continuously to feel the public pulse to ascertain the reaction of any given kind of broadcasting, and the industry as a whole is continuously trying to conform to public opinion.

The radio station is licensed to operate in the "public interest, convenience and necessity," and the owner is ever aware that he must render accounting. Add to these facts the Wheeler-Lea Bill, and the Federal Trade Commission for printed advertising, and you find that today radio is subject to more regulation than the average industry.

The broadcasters of America recognize the serious social problem involved in the advertising and distribution of distilled spirits, and have been and will continue to be in complete harmony with the objectives of state and federal alcohol beverage control authorities.

In fact, since repeal, the vast majority of radio stations and the major networks, with the sympathetic understanding of the leading distillers, have, voluntarily, and at the loss of substantial advertising revenues, not permitted the broadcasting over their facilities of the advertising of distilled spirits.

Recently the Board of Directors of the National Association of Broadcasters went on record in regard to the advertising of distilled spirits, the Resolution reading as follows:

> "RESOLVED: That it is the sense of the NAB Board of Directors that American broadcasting stations should not carry advertising for distilled spirits commonly called hard liquor."

The Board, at the same time, authorized the appointment of a committee to make a thorough study of broadcasting program standards, which committee has recently met and a very exhaustive report is being prepared for presentation to the annual meeting in July. The radio industry certainly has shown its concern for the public interest and its determination to study improved broadcasting. Moreover, radio has at all times received the sympathetic aid of those whose advertisements it is now proposed to prohibit.

At the national conference on uniformity in alcoholic beverage advertising, Dr. Sturges, Executive Director of the Distilled Spirits Institute, stated that "The members of the Institute do not use radio as a medium for advertising. They have not done so for the past two years." Mr. Harry L. Lourie, Executive Vice President of the National Association of Alcoholic Importers, stated that "Radio advertising by importers has, as far as we know, been abandoned voluntarily. We feel that this was sound public policy."

There are a number of objections to the legislative approach, and I wish to mention but a few. In the first place, it would set up a dangerous precedent. It may easily be the first of a series of such laws to prohibit the use of radio to one group, which may be later extended to include other groups, and in short endanger the privilege of free radio.

Radio to be free must pay its way, while at all times it must conform to public opinion. However, if one active minority by legislation may prohibit one class of advertisements, other active minorities by legislation may prohibit other classes of advertising, until the life blood of the industry is sapped and we are forced to turn to a government owned, tax supported industry.

Again, the proposed legislation would be discriminatory against radio in relation to other competing media of advertising. Radio may differ in some degree from other media. However, each has its own peculiarities, and there are many compensating factors, so in the final analysis, there is no just basis for discrimination. In short, the broadcasters are opposed to any legislative action or regulation which would prohibit the advertising of any alcoholic beverage through radio. We are opposed because such action would set up a dangerous and unnecessary advertising precedent; because it would be discriminatory against radio and in favor of other media of advertising; and because we believe, due to changing conditions, the desired result can best be achieved through self-regulation and cooperation, rather than through legislation and regulation.

The following appeared in favor of the legislation:

W. S. Alexander, Federal Alcohol Administrator, and Phillip Buck, his general counsel; Edward B. Dunford, attorney for the Anti-Saloon League; Miss Izora Scott, representing the W.C.T.U. and a church federation; a woman representing the National Association of Parent-Teacher Associations.

LENGTH OF ADS MAY BE CUT BY NEW PROGRAM CODE

Reduction in the length of advertising copy on commercial radio shows will probably result from the deliberations of the Committee on Program Codes and Standards of Practice of the National Association of Broadcasters which met last week in New York, it was announced this week by Neville Miller, president of the broadcasters group.

"This is in line with the existing trend in broadcast advertising," said Mr. Miller, "and will put a greater premium on more skilled advertising writing, with briefer, more interesting and more pertinent messages about needed products and services.

"The industry is simply going to put into effect, universally, those practices of progressive advertisers which are already proving their effectiveness in achieving greater results and a higher degree of program popularity."

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In praising advertising and its social contributions to the nation, Mr. Miller declared: "While everybody in this country seems to prefer advertised products over non-advertised articles from unknown sources, few, I believe, appreciate the social importance of commercial advertising to both a free American press and a free American radio, because of which neither has to rely on the dangers of a government subsidy or tax levy for its ability to operate."

The Committee meeting, representative of a cross section of both local radio independent and network operation, was called by Mr. Miller, who, shortly after becoming the first president of the reorganized NAB last July, advocated the adoption of a broad ranged policy of self-regulation of the radio industry.

Formulation of a code of commercial practices was but one of the items considered by the Committee, said Mr. Miller. The broadcasters group also analyzed an exhaustive report of its sub-committee which included the matter of radio policy in the handling of children's programs, religious broadcasts, political broadcasts, discussion of controversial public questions by radio, services to education, radio treatment of news matter and public forum broadcasting.

While the code is still in the broad outline form, subject to adoption by the industry as a whole at the NAB annual convention July 10 in Atlantic City, officials of the NAB in the near future will conduct a series of searching discussions here with outstanding leaders in all fields affected by radio broadcasting. In the near future the NAB will confer with a group of educators, women club leaders, men and women distinguished in all branches of public affairs, as well as representatives of the advertising world.

"We know it is the desire of both the broadcaster and the public," said Mr. Miller, "that radio be operated in strict accord with our democratic traditions of private and competitive operation, with fair play and equality of opportunity to all, and with wholehearted regard for our inheritances of freedom of speech, freedom of religion and freedom of assembly. These are the policies which have guided American radio to date. This forward-looking step by the radio industry is but another indication of its ability to continue to give American listeners the freest and finest radio service in the world."

Labor

WAGE AND HOUR ACT

An amendment to the Wage and Hour Act, to remove any restriction on the hours of employees working "on a monthly basis at a guaranteed monthly salary of $200 or more", was introduced this week by Chairman Mary Norton (D-NJ) of the House Labor Committee.

The amendment presumably has the blessing of the Wage and Hour Administrator since it was drafted after a series of conferences between him and the committee.

Although no official interpretation could be obtained this week, the NAB presumes that, if this amendment becomes part of the law, broadcasters wishing to take advantage of it would have to put eligible technicians, announcers, etc., on a monthly basis. Two hundred a month is $46.15 a week.

Those who make that much could work unlimited time without extra compensation unless they were covered by union contracts calling for overtime.

Within the next few days, members probably will receive a special labor letter with further information about the amendment.

SOCIAL SECURITY ACT

The Administration has suggested to Congress that it amend the Social Security Act to postpone the effective date of an increase in the old-age payroll tax, due next January 1. The tax, now one per cent on employers and one per cent on employees, was to have become one and one-half per cent on each during 1940-42, with further increases later to three per cent each. There is little doubt that Congress will accept the Administration's suggestion. There has been an almost universal cry from business against building up a huge reserve fund.

WAGNER ACT

Hearings on the many proposed amendments to the Wagner Labor Relations Act are set for April 11 before the Senate Committee on Education and Labor. The amendments range from those proposed by Senator Burke (D-Neb.) which practically would put labor unions in a straight-jacket, to those by Senators Thomas (D-Utah) and La Follette (Prog.-Wis.) which would forbid the use of labor spies and strike-breakers and ban the possession or use of "industrial munitions" for use in event of strikes.

FREE OFFERS

Station and network salesmen, as well as sales representatives, might find some good prospects in this "free offer" section of the REPORTS each week.

For instance, the Better Vision Institute, representing the eye-glass people all over the country, is offering a series of transcriptions which, it says, may be sponsored locally by members of the Institute.

The NAB has notified the Institute that use of the series, without sponsorship, would constitute violation of the NAB code of ethics, even though the Institute claims the series is strictly "educational."

Local salesmen, however, might well look up local Institute members with the idea of obtaining sponsorship.

A number of plugs for gas appliances are included in a domestic science script, called "Color Treasures at Treasure Island," sent out by the McCann-Erikson News Bureau, New York.

The Grey Chemical Company, Mt. Hope, W. Va., has asked a member to sell its fertilizer on a percentage basis.

COMING EVENTS

For the information of the membership we are listing coming events. Use this calendar to secure additional business.

April 1-7	—Conservation Week (in several states)
April 2-9	—National Baseball Week
April 4	—Passover—first day
April 6	—Army Day
April 7	—Good Friday
April 9	—Easter Sunday
April 10	—National Foot Health Week starts
April 11	—Passover—last day
April 16-22	—National Garden Week
April 17-23	—Be Kind to Animals Anniversary
April 21	—Spanish-American War, began 1898
April 23-30	—National Fisherman's Week
April 26	—Confederate Memorial Day in Florida, Alabama, Georgia and Mississippi
April 27	—Morse, inventor of telegraphy, born 1791
April 28-29	—Pennsylvania Relay Carnival
April 29	—National Golf Week starts
April 29	—Pacific Fleet Arrives at New York World's Fair
April 30	—Daylight Saving begins
April 30-May 6	—National Better Homes Week
April 30-May 6	—National Baby Week

DISTRICT 15 MEETING

A meeting of the 15th District was held at the Palace Hotel, San Francisco, Monday, March 20, with Ralph Brunton, District Director, presiding. The following members were in attendance:

C. L. McCarthy, KQW, San Jose; Charles P. Scott, KTKC, Visalia; Lou Keplinger, KARM, Fresno; Henry M. Jackson, CBS, San Francisco; S. H. Patterson, KSAN,

San Francisco; William C. Grove, KSAN, San Francisco; Vann Connors, KQW, San Jose; Howard Lane, KFBK, Sacramento; Lloyd Yoder, NBC, San Francisco; Ed Franklin, KJBS, San Francisco; L. Wellington Morse, KLS, Oakland; William D. Pabst, KFRC, San Francisco; Wilt Gunzendorfer, KSRO, Santa Rosa; Art Westlund, KRE, Berkeley; E. L. Finley, KSRO, Santa Rosa; Philip G. Lasky, KSFO, San Francisco; Ralph R. Brunton, KJBS, San Francisco; and Ralph Wentworth, New York City.

Ralph Wentworth of Lang-Worth Feature Programs, Inc., discussed the subject of tax-free music and gave an audition of the Lang-Worth library. State legislative matters were also discussed.

A committee was appointed, for the nomination of a Director, consisting of Arthur Westlund, KRE, Berkeley, Chairman; Lloyd Yoder, NBC, San Francisco; C. L. McCarthy, KQW, San Jose; Charles P. Scott, KTKC, Visalia; and Philip Lasky, KSFO, San Francisco.

It was decided that a meeting would be called some time during May for the election of a Director and for the transaction of such other business as might come before the meeting. A resolution was adopted that all stations in the 15th District should be assessed $25.00 each to establish a fund to pay expenses of the Legislative Committee when it is in Sacramento attending to radio legislation.

DISTRICT 9 MEETING

Gene Dyer, chief owner of WGES, WCBD and WSBC, Chicago, was elected District 9 Director at a meeting Monday in Chicago. Neville Miller and Paul Peter, Research Director, represented NAB Headquarters at the meeting.

MILLER TO SPEAK

Neville Miller will speak on "Government Regulation of Radio Broadcasting" next Wednesday at a luncheon of the Washington Trade Association Executives.

JUDGE SYKES DINNER

The Committee is receiving reservations from the many friends of Judge Sykes who desire to pay tribute and honor the Judge at the dinner to be held at the Hotel Willard, April 8. Many are coming from distant points as well as from his friends in Washington.

COPYRIGHT

The Committee for the study of Copyright of the National Committee of the United States of America on International Intellectual Cooperation has issued the following statement:

> The Committee for the Study of Copyright of the National Committee of the United States of America on International Intellectual Cooperation, a non-official organization interested in promoting cultural relations, has been holding a Conference on Copyright Legislation at regular intervals throughout the winter. The purpose of this Conference is the clarification and revision of the domestic Copyright Law. It is hoped that the proposed revision of the Law will include such provisions as may make it possible for the United States to be party to agreements designed to promote international protection of intellectual property, both among American States and on an universal basis. Since the United States Government has been invited to a Diplomatic Conference in Brussels later in 1939 for discussion of the Revision of the Berne Convention, and since the Rome version of the Berne Convention is before the Senate Committee on Foreign Affairs, it is opportune that the various national organizations interested in copyright should have this opportunity to study and propose constructive revision of the domestic law, which is necessary in view of the international aspects of the problem.
>
> The following national associations have been cooperating in the study of the copyright bill: The Authors League of America; American Society of Composers, Authors and Publishers; Song Writers Protective Association; Music Publishers Protective Association; Recording Interests; International Allied Printing Trades Association; Book Publishers Bureau; National Publishers Association; American Library Association; The Joint Committee on Materials for Research of the American Council of Learned Societies and the Social Science Research Council; Motion Picture Producers and Distributors, Motion Picture Theater Owners; Independent Exhibitors League; National Association of Broadcasters.
>
> The Chairman of the Committee for the Study of Copyright, Dr. Waldo G. Leland, Director of the American Council of Learned Societies, and Professor James T. Shotwell, of Columbia University, have presided at the meetings which are still continuing.

Radio interests have been represented by the National Association of Broadcasters, which has participated at all of the meetings either by its president or by counsel acting on its behalf, and representatives of the NAB are members of the sub-committees which have been appointed by the Conference with respect to: the revision of the minimum damage clause; the provisions of the law relating to phonograph records and other sound recordings; and to the requirement of registration deposit of copies and other formalities as a condition precedent to copyright.

Monopoly Hearing

Management contracts continued to occupy the FCC at the monopoly hearing.

March 23

William C. Ballard, Jr., Cornell University professor of electrical engineering, appeared for WESG and described that station's contract with the Elmira *Star Gazette* for handling commercial programs. Clarence W. Miles, Baltimore attorney, described a voting trust at WCAO in Baltimore.

March 28

Roy Thompson of Altoona, Pa., manager of WFBG, described the lease of that station by the William F. Gable Company to the Gable Broadcasting Company, a subsidiary and the licensee. Henry P. Drey, manager of KROW, Oakland, Cal., described the management contract he had with the Educational Broadcasting Corporation, and also the sales contract the Western Radio Publicity Service, his company, had with the licensee.

March 29

Harry R. LePoidevin, secretary-treasurer of WJRN, Racine, Wis., described an agreement with the Voice Publishing Company for that company to use a specified number of hours from a studio at South Milwaukee. He also described a contract for operation of a studio at West Allis.

The Commission then introduced a number of exhibits relative to network broadcasting. This was followed by considerable cross-examination and discussion.

Legal

NEW LEGISLATION

CONGRESS

H. R. 4433 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to the Committee on Patents.

H. R. 5319 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents.

H. R. 5435 (Mrs. Norton, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making $200 or more a month, et al.

STATE LEGISLATION

New York:

A. 2124 (Crews) Same as S. 1659. TAXATION BROADCASTING AND MOTION PICTURE RIGHTS—Strikes out the 5 per cent tax on total gross receipts from boxing, sparring or wrestling exhibitions and substitutes a 5 per cent tax on the admission price of all tickets sold or otherwise disposed of and a 5 per cent tax on gross income from sale of broadcasting and motion picture rights, now included in gross income tax. Referred to Taxation Committee.

S. 1659 (Condon) Same as A. 2124, above. Referred to Finance Committee.

Pennsylvania:

H. 805 (Voorhees) BROADCASTING—Prohibiting the recording of any broadcast without the permission and consent of the person or persons broadcasting; and offering for sale, selling, leasing, licensing or possession of such unlawful recording, and providing penalties.

South Carolina:

H. 566 (Smock) RADIO RECEPTION—To lessen the interference with radio reception in motor vehicles used on public highways on account of lines used in the transmission of electric energy. Referred to Roads Committee.

FCC'S NEW INFORMATION SET-UP

The Federal Communications Commission has authorized the establishment of a permanent Office of Information, to be responsible for the collection and dissemination of information for the press and the public regarding the Commission's decisions and other matters and to have such other functions as the Commission may determine.

The authorization was voted at a meeting last week, the Commission adopting unanimously a resolution offered by Chairman McNinch and seconded by Commissioner Walker.

The Office of Information will be headed by a Director of Information and Special Assistant to the Chairman, with an Assistant Director of Information, and will embrace the work of the Information Office, the Information Reference Room, the Press Room, and related activities. Provision was made for it to function under and be responsible directly to the Commission, replacing the Press Section, a unit in the administrative branch.

The new set-up will make permanent and extend the present information arrangements, set up by M. L. Ramsay, who was borrowed from the Rural Electrification Administration to study informational needs as well as conduct the information service temporarily. It is in line with recommendations made in Mr. Ramsay's final report. Mr. Ramsay's detail ends March 31.

Under the Commission's resolution the positions authorized are to be established in accordance with the Classification Act, subject to revision by the Civil Service Commission. The Chairman was authorized, however, to seek to exempt from Civil Service the appointments to the two principal positions.

FCC RULE POSTPONED

Announcement was made this week by the Federal Communications Commission that the effective date of rule No. 981 dealing with modulation monitors has been postponed until September 15. Official announcement dealing with this is as follows:

> The Commission extended the working of Rule 981 another six months from March 15, 1939 to September 15, 1939. However, all licensees of Relay, International, Television, Facsimile, High Frequency and Experimental broadcast stations should immediately arrange to purchase or install frequency monitors as required by this rule since monitors are now available from two or more manufacturers and it is not the plan of the Commission further to extend this rule. All stations must have a satisfactory frequency monitor on or before September 15, 1939.
>
> Two such monitors which will meet the requirements of Rule 981 have been inspected by the Commission. The Commission is advised that these frequency monitors may be supplied by the manufacturers in sufficient quantities to meet the demand.
>
> Rule 981 was originally effective September 15, 1936, but this date has been extended from time to time due to the lack of commercially available frequency monitors to fulfill the requirements. The monitors required by this rule *are not approved by the Commission* but shall have an accuracy of one-half the allowed tolerance of the class of station with which used. It is the responsibility of the licensee to see that the monitor will meet the frequency accuracy and operate in accordance with good engineering practice.

VOLUNTARY ASSIGNMENT APPROVED

The Federal Communications Commission Monday approved (Chairman McNinch and Commissioner Walker dissenting) the voluntary assignment of radio broadcast station license WCAX, Burlington, Vt., from the Burlington Daily News, Inc., to the Vermont Broadcasting Corporation. The broadcasting corporation also plans to acquire and publish the Burlington Daily News. WCAX operates on a frequency of 1200 kc., with power of 100 watts night, 250 watts day, unlimited time.

This is the first case appearing in the Commission's records in which a broadcasting company is to own a newspaper. Approximately 240 broadcast stations have newspaper interests identified with their ownership out of a total of more than 750 stations holding authorizations from the Commission.

H. Nelson Jackson is president of the newspaper corporation which has operated both the newspaper and the broadcast station. Charles P. Hasbrook is president and treasurer of the newly-formed Vermont Broadcasting Corporation and owner of virtually all of its outstanding stock. The price to be paid for the newspaper and broadcast properties, with certain property excepted, is $59,000. Of this sum $17,000 is assigned to the radio property.

Chairman McNinch voted "No" on the ground that the proposed assignment had not been shown to be in the public interest. Commissioner Walker in voting "No" expressed the view that a hearing to determine the public interest in the matter should precede the Commission's action.

WNYC AMENDS PETITION

Mayor Fiorello H. LaGuardia, on behalf of the City of New York, licensee of Station WNYC, has amended the petition filed on August 24, 1938, requesting the amendment of Rules 177, 321, 1012(a) and 1052(a), which relate to high frequency and international broadcast programs. Since no date has been set for hearing on this Petition under its rules the Federal Communications Commission has automatically accepted the amendment to the Petition.

The City of New York (WNYC) seeks the right to rebroadcast certain programs of high frequency and international broadcast stations which may not be done under the Commission's existing rules. To this end it seeks an amendment of the rules so as to permit rebroadcasts of this character where the licensees of regular broadcast stations making the rebroadcasts are universities, other educational institutions, municipalities, other Government agencies or other non-commercial, non-profit organizations.

In amending its petition, the City of New York (WNYC) withdrew a request for a proposed amendment of the Commission's Rules 1012(a) and 1052(a) which prohibit the sale of time, directly or indirectly, on high frequency and international broadcast stations which are licensed for experimental purposes. The City of New York made it plain that no change in these rules is necessary, as it never intended to charge for programs. The purpose of its application, the City of New York advised the Commission, is to make it possible for Station WNYC to rebroadcast on its regular frequency certain programs broadcast by international broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of the Inland Empire Broadcasting Company for a construction permit for a new station at **Pasco, Washington,** to operate on **1310 kilocycles,** 100 watts, unlimited time.

In connection with the denial of this application, the Commission stated that "after considering the finances of the applicant, the estimated monthly operating expenses, and the failure on the part of the applicant to show how much revenue could reasonably be expected from the sale of advertising time, the Commission finds that the applicant is not possessed of sufficient finances to assure the continued operation of the proposed station."

The Asheville Daily News has been granted its application by the Commission for a construction permit for a new station at **Asheville, North Carolina,** to operate on **1370 kilocycles,** 100 watts, unlimited time.

The Commission originally denied the application, and the case was appealed to the United States Court of Appeals for the District of Columbia, who remanded the application to the Commission for further hearing. The Commission has found that the granting of the application will serve public interest.

The Commission has dismissed with prejudice the application of E. DeVore Andrews and Mrs. Annie L. Andrews for a construction permit for a new station at **Greenwood, South Carolina,** to operate on **1420 kilocycles,** 250 watts LS, 100 watts night, unlimited time. This application was dismissed because the applicants entered a motion to dismiss the application before the examiner made his report.

The Commission also denied the application of W. A. Barnette for a construction permit for a new station at **Greenwood, South Carolina,** to operate on **610 kilocycles,** 250 watts, daytime.

In denying the Barnette application, the Commission stated that the frequency sought by the applicant "has been classified by the Commission as a regional channel; and the location of Greenwood, South Carolina, with respect to existing stations surrounding it, is such that in the efficient assignment of frequencies, a regional frequency should not be assigned for the operation of a station in Greenwood."

Upon reconsideration of a supplemental Statement of Facts, the Commission granted the application of Mrs. W. J. Virgin (KMED), **Medford, Oregon,** for a station to operate on **1410 kilocycles,** 1000 watts, daytime. The Commission denied the nighttime operation of this station.

It was found that nighttime operation would cause objectionable interference to two existing Canadian broadcast stations.

The Commission has denied applications of WISN, **Milwaukee, Wisconsin;** WJBO, **Baton Rouge, Louisiana;** and WAPO, **Chattanooga, Tennessee.**

WISN asked to increase its facilities from 250 watts night and 1000 watts daytime, unlimited hours, to 1000 watts, unlimited time on **1120 kilocycles.** WJBO asked to increase its power from 500 watts unlimited time, except 8 to 9 P. M. on Mondays, to 1000 watts unlimited time, except 8 to 9 P. M. on Mondays, on **1120 kilocycles.** WAPO asked to change its frequency from **1420 kilocycles** to **1120 kilocycles,** and increase its power from 100 watts night, 250 watts day, unlimited time, to 500 watts night, 1000 watts day, unlimited time, using a directional antenna at night.

PROPOSED FINDINGS OF FACT

The Federal Communications Commission has handed down a Proposed Findings of Fact in connection with the application of KTOK, **Oklahoma City, Oklahoma.** This station operates on **1370 kilocycles** with 100 watts power, unlimited time and applied to the Commission to change its power to 250 watts day and remain at 100 watts night.

The Commission proposed in its Proposed Findings of Fact the granting of the application. It was found by the Commission that the applicant is in all respects qualified to undertake and complete the equipment changes and operate the station as proposed. "There is an existing need," said the Commission, "for the additional service which would result from the daytime operation of this station with the increased power requested." Some interference would result to Station KCRC, Enid, Oklahoma, but the Commission did not find that the interference "would be sufficient to warrant the disapproval of this application." The interest of other stations will not be adversely affected as the result of granting this application.

The Commission has adopted its Proposed Findings of Fact proposing to grant the application of WTOL, **Toledo, Ohio,** to increase its hours of operation from daytime to unlimited. The station operates on **1200 kilocycles,** 100 watts power.

It was found in the Proposed Conclusions by the Commission that the granting of this application will not adversely affect the economic interests of any existing station nor would it cause objectionable interference to any station. The Commission found that WTOL is rendering a satisfactory local program to Toledo, and that the other station in that city "is of a regional classification and does not adequately meet the local needs of the Toledo area during the evening hours." It was found that there is a need in that area for the service proposed.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 3. They are subject to change.

Friday, April 7

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., **1140 kc.,** 250 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P., **1290 kc.,** 100 watts, daytime (C. P. to install new antenna and move transmitter and studio locally).

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.,** 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.,** 1 KW, daytime.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 kc.,** 250 watts, daytime. Present assignment: **1310 kc.,** 100 watts, daytime.

May 15

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.,** 500 watts 500 watts LS, unlimited time. Present assignment: **1340 kc.,** 250 watts, unlimited time.

May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, **1350 kc.,** 1 KW, 1 KW LS, shares WAWZ (DA day and night).

June 6

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.,** 500 watts, 500 watts LS, shares KFNF.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted license for new experimental broadcast station, frequencies **86000-401000 kc.** and above, on an experimental basis conditionally; 5000 watts power.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted modification of license authorizing use of 5 KW power for all daytime operation, employing directional antenna system. (Station now operates on **550 kc.**, 1 KW night, 5 KW day (uses 1 KW when WOSU operates.)

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit sustaining programs from station WXYZ to Canadian stations under the supervision and control of the Canadian Broadcasting Corp. through wire-line facilities of the Michigan Bell Telephone Co., for the period from April 16 to October 16, 1939.

RENEWAL OF LICENSES

Renewal of licenses for the following stations were granted for the regular period ending October 1, 1939:

KDYL (auxiliary), Salt Lake City; KFOX, Long Beach, Calif.; KRSC, Seattle, Wash.; WHBF, Rock Island, Calif.; WHN and auxiliary, New York City; WJDX, Jackson, Miss.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended upon a temporary basis only pending determination upon application for renewal, but in no event later than May 1, 1939.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Present license extended upon a temporary basis only pending determination upon application for renewal, but in no event later than May 1, 1939.

W8XIG—The Evening News Assn., Portable-Mobile.—Renewal of experimental relay broadcast station license was granted upon a temporary basis only, for the period ending December 1, 1939, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than May 1, 1939.

W8XE—Radio Air Service Corp., Cleveland, Ohio.—Present license for experimental facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than May 1, 1939.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Present license for experimental facsimile broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal of license, but in no event longer than May 1, 1939.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.

W2XOY—General Electric Co., Albany, N. Y.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.

W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.

W8XNT—Radio Air Service Corp., Cleveland, Ohio.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.

W9XOK—The Star-Times Publishing Co., St. Louis, Mo.—Present license for high frequency experimental broadcast station extended on a temporary basis for the period ending May 1, 1939, pending determination upon application for renewal of license.

W3XPF—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Granted renewal of experimental television broadcast station license for the period ending February 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XUF—Sparks-Withington Co., Jackson, Mich.—Granted renewal of experimental facsimile broadcast station license for the period ending March 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Mollin Investment Co., Palm Springs, Calif.—Application for C. P. to erect a new station to operate on **1200 kc.**, 100 watts, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Application for C. P. to move transmitter site locally, exact site to be determined with Commission's approval; install new equipment; change frequency from **1120 kc.** to **950 kc.**; and increase power and time of operation from 100 watts, daytime, to 1 KW, unlimited. (Application designated for hearing to determine if interference might result, and because pending applications from State of Washington involve an increase in service.)

WGST—Georgia School of Technology, Atlanta, Ga.—Application for C. P. to install a directional antenna system for both day and nighttime operation, and increase nighttime power from 1 KW to 5 KW. (Application designated for hearing to determine if interference might result, and pending applications from Georgia involve an increase in service.) (To be heard before the Commission.)

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Application for modification of license to increase nighttime power from 100 to 250 watts. To be heard before the Commission. (Application designated for hearing as the request violates Rule 121, and pending applications from Georgia involve an increase in service and interference.)

NEW—North Shore Broadcasting Co., Salem, Mass.—Applications for C. P. for new station to operate on **1200 kc.**, 100 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations, and to determine financial qualifications of applicants; also pending applications from Massachusetts involve increase in service.)

W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only and applications designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

W9XBS—National Broadcasting Company, Inc., Chicago, Ill.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 982 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

W3XEX—WTAR Radio Corp., Norfolk, Va.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and application designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license period.

W5XD—A. H. Belo Corp., Dallas, Tex.—Renewal of experimental high frequency broadcast station licenses for the period April 1, 1939, to April 1, 1940, were granted on a temporary basis only, and applications designated for hearing because applicant has not conducted a satisfactory research and experimental program compatible to Rule 983 (c), and has failed to submit satisfactory programs of research and experimentation to be carried forward during the next license peiod.

MISCELLANEOUS

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit program material describing hockey game in Madison Square Garden, over lines ordered by the Canadian Broadcasting Corp., to station CKCL, from 9 p. m., EST, to conclusion of the game on March 23.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period April 9 to May 8, in order to conduct experimental farm programs.

W2XOY—General Electric Co., Albany, N. Y.—Granted special temporary authority to operate high frequency (experimental) broadcast station on the frequency of **42.8 megacycles**, now assigned Edwin H. Armstrong in order that Armstrong and Gen. Elec. may make simultaneous frequency modulation tests using same channel for period of 30 days.

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted motion extending time to March 27, 1939, for filing proposed findings of fact and conclusions in re Docket 5394.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted motion for order to take depositions in re application to inincrease power of KRBA.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted petition for continuance of hearing now scheduled for April 3, to May 15, or until such date as the hearing in re application of KOVC, Inc., Valley City, N. Dak. (KGNO is applying for increase in power from 250 to 500 watts on **1340 kc.**).

NEW—Monocacy Broadcasting Co., Rockville, Md.—Granted petition to intervene in the hearing on the application of Lawrence J. Heller for a new station in Washington, D. G.

WSUI—The State Univ. of Iowa, Iowa City, Iowa.—Granted petition for leave to amend application with reference to directional antenna, but that part of the petition requesting retention of present hearing date (April 17) overruled.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to amend order to take depositions by substituting the name of J. H. Gabribelle for R. D. Dolley, and to add name of A. S. Lawton, in re application of WMBR to change frequency and increase power.

NEW—Sam Klaver and Nathan Belzer, d/b as The Great Western Broadcasting Co., Omaha, Neb.—Denied petition for rehearing in re application for new station (Docket No. 4641), which application was denied by the Commission on December 5, 1938, effective December 12, 1938.

KELA—Central Broadcasting Corp., between Centralia and Chehalis, Wash.—Authorized the issuance of a modification of license as applicant has submitted satisfactory proof in re present antenna.

NEW—Jonas Weiland, Portable-Mobile (area of Kinston, N. C.).—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.**, on an experimental basis conditionally; 2 watts.

KIFO—Nichols and Warinner, Inc., Portable-Mobile, Long Beach, Cal.—Granted license to cover C. P. authorizing installation of new equipment and reduction in power to 25 watts in relay broadcast station.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted modification of C. P. approving transmitter site and vertical radiator in broadcast station.

W2XAF—General Electric Co., So. Schenectady, N. Y.—Granted license to cover C. P. for International Broadcast Station; frequencies **6190, 9530** and **21590 kc.**, on an experimental basis conditionally; 100 KW power.

WWL—Loyola University, New Orleans, La.—Granted modification of C. P. extending completion date to April 26, 1939.

WDSM—WDSM, Inc., Superior, Wisc.—Granted modification of C. P. extending completion date to June 9, 1939.

WDNC—Durham Radio Corp., Durham, N. C.—Granted license to cover C. P. authorizing increase in day power to 250 watts, install new equipment and vertical radiator, and move of transmitter site. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted license to cover C. P. authorizing increase in day power from 1 KW to 5 KW, installation of new equipment and use of directional antenna for daytime operation.

W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Set for hearing application for modification of C. P. for new experimental high frequency Broadcast station for an additional extension of commencement date to May 2, 1939, and completion date to November 2, 1939.

NEW—WJMS, Inc., Ashland, Wis.—Overruled petition for continuance of hearing scheduled for April 12, for a period of 45 days.

NEW—Central Broadcasting Corp., Worcester, Mass.—Applicant allowed additional 3 weeks to comply with Commission's rules relating to proposed findings.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Granted petition to accept proposed findings filed late, in re applications for renewal of license for W9XAA, assignment of license to Radio Service Corp. of Utah, and application to move station to Saltair, Utah.

KVCV—Golden Empire Broadcasting Co., Redding, Cal.; KHSL—Chico, Cal., and other interveners.—Granted joint petition of interveners, KHCV, KHSL, Roy McClung, Redwood, Cal., Horace Thomas, Marysville, Cal., and Stanley R. Pratt, Jr., Chico, Cal., to accept correction to proposed findings filed by interveners in re the application of Yuba-Sutter Broadcasters, for a new station at Marysville, Cal., to operate on **1320 kc.**, 250 watts, unlimited.

KOH—The Bee, Inc., Reno, Nev.—Granted motion for order to take depositions in re application for C. P. to change from **1380 kc.**, 500 watts, unlimited time to **630 kc.**, 1 KW, unlimited time, with directional antenna.

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Granted petition to intervene in the hearing on the application of M. C. Reese, for a new station at Phoenix, Ariz., to operate on **1200 kc.**, 100 watts, 250 watts, unlimited.

NEW—Catawba Valley Broadcasting Co., Hickory, N. C.—Dismissed petition to intervene in the hearing on the application of Ben Farmer, d/b as Cabarrus Broadcasting Co., for a new station at Concord, N. C., to operate on **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

WLEU—WLEU Broadcasting Co., Erie, Pa.—Granted petition for extension of time for period of 10 days from March 28, within which to file proposed findings of fact and conclusions in re application for C. P. for station to operate on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to rebroadcast program continuity to be received from a plane operated by the American Airlines, Inc., from 9:30 to 10 p. m., CST, on March 24.

KGA—Louis Wasmer, Spokane, Wash.—Granted special temporary authority to operate a 100 watt test transmitter on KGA's frequency **1470 kc.**, in the vicinity of Spokane, from 1 to 6 a. m., PST, for a period not to exceed 30 days, in order to conduct site survey. Such tests are not permitted during those hours prescribed for Commission's monitoring schedule.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, for the period March 6 to April 4, 1939, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency of **780 kc.**, or reduces power so that additional interference is not involved.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, for the period April 5 to May 4, 1939, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency of **780 kc.**, or reduces power so that additional interference is not involved.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 p. m. to 12 p. m., CST, on April 18, in order to broadcast City Final Election Returns.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 10:15 to 10:30 a. m., CST, on April 20, 21, 22, in order to broadcast the Rexall Magic Hour program sponsored by United Drug Co.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2:15 p. m., MST, on April 3, 10, 17, 24, in order to broadcast livestock auction and merchants program from Ft. Morgan, Colo.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to approximately 11:30 p. m., EST, or to end of broadcast on April 8, 15 and 22, in order to carry the complete programs of the NBC Symphony Orchestra.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 9:30 p. m., MST, on April 2, 9, 16, 23 and 30, in order to broadcast evening church service.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, from 9 to 12 p. m., EST, on April 12, and continuing into the morning of April 13, in order to broadcast municipal primary results for Baltimore, Md., and from 9 to 12 p. m., EST, on May 2, and continuing into the morning of May 3, in order to broadcast the Maryland general election returns.

W3XL-W3XAL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COCX for the period April 3 to May 2, 1939.

APPLICATIONS FILED AT FCC

630 Kilocycles

KOH—The Bee, Inc., Reno, Nev.—C. P. to install new transmitter and directional antenna for night use; change frequency from **1380 kc.** to **630 kc.**, power from 500 watts to 1 KW; and move transmitter from 440 N. Virginia St., Reno, Nev., to Reno, Nev., and studio from same site to site to be determined, Reno, Nev. Amended: Give transmitter site as SW¼ of NW¼ of Sec. 2, Twp. 19 N. of Range 20E, RFD, near Reno, Nev.

1040 Kilocycles

KRLD—KRLD Radio Corporation, Dallas, Tex.—Modification of special experimental authorization to operate simultaneously with WTIC, unlimited time, requesting increase in power from 10 KW to 50 KW.

1200 Kilocycles

WJBW—Charles C. Carlson, New Orleans, La.—Modification of C. P. (B3-P-2244) for new transmitter and antenna, and move of transmitter and studio, requesting further authority to install new transmitter and move studio from N. Carlton Ave. to 947 Howard Ave., and transmitter from Carlton and Howard Aves. to Bruxelles and Sere Sts., New Orleans, La., and extend commencement date from 3-11-39 to one day after grant.

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Construction permit for new broadcast station to be operated on **1200 kc.**, 100 watts, daytime.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License to cover construction permit for equipment changes.

1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—License to cover construction permit for new transmitter, move of transmitter and new antenna.

1370 Kilocycles

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. Car.—Modification of construction permit for a new station, requesting approval of antenna and transmitter and studio locations at U. S. Highway 70, west of Goldsboro, N. C., and change in type of transmitter.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Construction permit for new broadcast station to be operated on **1370 kc.**, 100 watts night, 250 watts daytime, unlimited time.

1420 Kilocycles

KRLH—Clarence Scharbauer, Midland, Tex.—Construction permit to make changes in transmitting equipment; change power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time.

Wm. C. Barnes, Jonas Weiland, tr/as Martinsville Broadcasting Company, Martinsville, Va.—C. P., new station on **1420 kc.**, 100 watts, 250 watts LS, unlimited. Amended: Change name by striking Solomon L. Goodman and adding Wm. C. Barnes.

1500 Kilocycles

Neptune Broadcasting Corp., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to request **1420 kc.**

MISCELLANEOUS

W3XC—WGAL, Inc., Portable-Mobile in area of Lancaster, Pa.—Construction permit for changes in equipment and increase in power from 5 watts to 10 watts.

W3XO—WGAL, Inc., Portable-Mobile in area of Lancaster, Pa.—License to cover above construction permit.

NEW—WHP, Inc., Portable-Mobile in area of Harrisburg, Pa.—Construction permit for new relay broadcast station to be operated on **1606, 2022, 2102** and **2758 kc.**, 40 watts, A3 Emission.

NEW—Columbia Broadcasting System, Inc., Chicago, Ill.—License to cover C. P., B4-PRY-152, for a new portable-mobile relay broadcast station.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—C. P. for new television broadcast (experimental) station on frequencies **42000-56000 kc.**, power for visual and aural 1000 watts, Emission A3 and A5, site to be determined in Los Angeles, Calif.

NEW—South Carolina Broadcasting Co., Inc., Portable-Mobile in area of Charleston, S. C.—Construction permit for new relay broadcast station (experimental) to be operated on **31100, 34600, 37600** and **40600 kc.**, 10 watts, A-3 Emission.

W4XA—The National Life and Accident Insurance Co., Nashville, Tenn.—License to cover construction permit for new high frequency broadcast station.

W7XDA—KUJ, Inc., Portable-Mobile in area of Walla Walla, Wash.—License to cover construction permit for new relay broadcast station (experimental).

NEW—WLBG, Inc., Richmond, Va.—Construction permit for a new portable-mobile low frequency relay broadcast station on frequencies **1606, 2022, 2102** and **2758 kc.**, power 50 watts, Emission A3.

W8XTY—The Evening News Association, Detroit, Mich.—License to cover B2-PFB-8 for a new facsimile station.

W10XFZ—Don Lee Broadcasting System, Portable-Mobile (Los Angeles).—C. P. for changes in equipment and reduction in power from 100 watts to 10 watts.

W10XFZ—Don Lee Broadcasting System, Portable-Mobile (Los Angeles).—License to cover C. P. (B5-PRE-251).

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

John B. Canepa Company—The length of spaghetti and macaroni is not a true criterion of its quality or genuineness, it is charged in a complaint issued against the John B. Canepa Company, 310 West Grand Avenue, Chicago.

The respondent company sells and distributes its products in long containers, and in booklets and other advertising matter infers that macaroni and spaghetti products not made in long lengths are not genuine and are not of the finest quality. These statements are declared false, deceptive and misleading. (3744)

Corn Products Refining Company and its sales subsidiary, Corn Products Sales Company, Inc., both of 17 Battery Place, New York, are charged in an amended complaint with violation of the Robinson-Patman and Clayton Acts in the sale of their products.

Corn Products Refining Company, owning and operating plants at Pekin and Argo, Ill., North Kansas City, Mo., and Edgewater, N. J., allegedly has an authorized capital stock of $100,000,000. In addition to producing corn products in the bulk, such as corn syrup, the respondent company manufactures the following branded products: Kingsford and Duryea Starches, Karo Syrup, Mazola Oil, Argo Corn Starch, Argo Gloss Starch, Kre-Mel Dessert, Linit and Cerelose.

Under three separate counts the respondents are charged with (1) discrimination in price between competing purchasers of corn products of like grade and quality; (2) according certain advertising services to some purchasers but not to others competitively engaged with the recipients, and (3) exclusive dealing, or giving certain purchasers the benefits of a favorable price on condition they shall not use the goods, wares or merchandise of competitors of the respondents.

The original complaint issued in October 1938 alleged only unlawful discrimination in prices. The amended complaint alleges that the respondents discriminate in prices in that they sell certain articles to some purchasers at a higher price than that charged for articles of like grade and quality which they sell to other purchasers generally competitively engaged with the first class of purchasers, in violation of Section 2 (a) of the Robinson-Patman Act.

Under the amended complaint, the respondents are charged with entering into advertising arrangements with certain purchasers of dextrose such as Curtiss Candy Company, Chicago, and Bachman Chocolate Manufacturing Company, Mount Joy, Pa., as a result of which the respondents have spent large sums in cooperatively advertising with such purchasers the dextrose so purchased, in violation of Section 2 (e) of the Robinson-Patman Act. The respondents have not accorded such services or facilities on proportionally equal terms to other of their purchasers competitively engaged with the Curtiss and Bachman companies, it is alleged. (3633)

Corn Products Sales Company, Inc.—See Corn Products Refining Company.

Frye Company, Watertown, Mass., is distributor of a preparation designated Pancreo Bismuth & Pepsin and as Pancreobismuth. The product is advertised as effective in cases of indigestion and "upset stomach"; and also as a digestant. The complaint asserts that the active ingredients of the preparation are sodium bicarbonate, bismuth subnitrate and ginger, and that use by respondent of the two trade names leads purchasers to believe that pancreatin and pepsin are active ingredients of the products. In truth, the complaint alleges, the amount of pancreatin and pepsin is negligible, having no physiological value. (3741)

Publix Printing Corporation, 633 South Plymouth Court, Chicago, is charged with furnishing to retail dealers sales promotion cards for their use in stimulating sales to the ultimate consumer by means of lottery. The cards allegedly are bordered with a series of numerals to indicate the amounts of purchases by the retainers' customers, such numerals to be punched out at each purchase until all are cancelled. Completely cancelled cards are alleged to be the means of awarding customers entirely by chance certain amounts ranging from 20 cents to $10.00 in trade, the amount depending upon a number revealed under a secret panel on each card. (3742)

United Advertising Service—Meyer Edelsohn, trading as United Advertising Service, 5715 Florence Avenue, Philadelphia, in the sale of clocks, desk lighters and other merchandise, is alleged to distribute push cards containing feminine names providing for the awarding of prizes to customers wholly by chance through the selection of lucky names and numbers. (3738)

Van Products Company, New Milford, N. J., compounds and distributes No-No Germ Control, advertised as "an absolute germicide." The complaint alleges that through statements and implications respondent has represented that his product will kill all the germs in the human body, is an absolute contraceptive and that the vapors penetrate the hidden recesses of the body and kill germs that powders and liquids will not reach. The complaint declares these claims to be untrue and that the preparation is nothing more than a formaldehyde solution effective as an antiseptic rather than as a germicide. (3743)

STIPULATIONS

The Commission has entered into the following stipulations:

Acme White Lead and Color Works, Detroit, engaged in selling a paint or varnish product known as "Lin-X", agrees to cease representing that hot or cold liquids will have no effect on a Lin-Xed surface, unless it is explained that no permanent effect is meant; that the product stands the rain, sun and wind, unless it is explained that the average life of the ordinary spar varnish is meant; that no rings from wet glasses will be left on a Lin-Xed surface, unless explained that only temporary rings may remain if the wet glasses are left upon the Lin-Xed surface for several hours, and that the product makes old linoleum "act like new", when such is not a fact. (02331)

Bayer Company, Inc., 170 Varick St., New York, has entered into a stipulation to discontinue misleading representations in the sale of is dietary supplement designated Calirad Wafers.

Having advertised its product as being capable of causing one to have normal weight, control his weight or lose any desired amount of superfluous weight when used in connection with a dieting or exercise program, the respondent, under its stipulation, now agrees to discontinue these representations. It also agrees to cease asserting that every human being is born calcium poor or that a great majority are deficient in calcium and phosphorus, which the respondent's product is said to supply, and that by using its advertised method of weight reducation one cannot fail to improve the figure where such improvement is desired. (02341)

Dannen Grain & Milling Company—Alma B., Dwight L., and H. L. Dannen and Arline Mannschreck, partners trading as Dannen Grain and Milling Co., St. Joseph, Mo. in the sale of cattle and poultry feeds, agree to discontinue advertising that the minerals in their dairy feed are proportioned to give unexcelled milk production or are perfectly balanced; that the Vitamin E in their poultry feed controls range paralysis or that a deficiency of Vitamin E will cause that disease; that the Vitamin F in their products will build feathers or help digestion or that a deficiency of Vitamin F will cause dull feathers or unthrifty birds and that the Vitamin G in their preparations will ward off intestinal disturbances. The respondent admitted that these claims were not borne out by the facts. (02342)

Edgewood Tailors—See K & M Tailoring Company.

Famous Products Company—See Valmor Products Company.

Gardena Metabolic Institute—Carlyle Swearingen, trading as Gardena Metabolic Institute and Gardena Metabolic System, Los Angeles, in the sale of food concentrates, will discontinue representing that there is a "great demand" for more "Health Food" stores, or that the opportunities in the field are greater than the actual possibilities; that his okra concentrate is a competent treatment or an affective remedy for ulcers, inflammation, hyperacidity, etc., or that it will prevent acid or food roughage irritation, and that other of his tablets will rid the colon of parasites, and effectively treat nervous ailments or sterility.

Further representations to be discontinued are that present-day refinements or processes of cooking have caused basic or material deficiencies in the mineral or vitamin food value of staple food products. The respondent admits that his business is not legally organized and conducted as an "institute", and agrees to discontinue using that word in his trade name. (02336)

Keystone Laboratories, Inc., 491 South Third St., Memphis, trading as Memphis Mail Order House, Curio Products Company and White Line, will discontinue representing that Poreen Ointment, La Jac Lovin' Pink Cream for Dark Skins or La Jac Orange Beauty Glow Cream are skin foods or skin whiteners; that other of its products eliminate wrinkles; that La Jac Brite Skin Bleach will overnight, or in any stated time, make the skin five shades lighter or that Lucky Mojo, Good Luck Incense, Hindoo Mystic Love Perfume, Holy Oil with Live Loadstone or High John the Conqueror Root and other similar products bring good luck, love, romance, power, life, inspiration easy money or irresistibility. (2415)

K & M Tailoring Company, trading also as Edgewood Tailors and as Mutual Tailoring Company, 2300 Armitage Ave., Chicago, has entered into a stipulation to cease certain misleading representations in the sale of men's clothing.

The respondent company agrees to discontinue disignating, labeling or representing as "all wool" or "woolen" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing when such fabrics are not composed wholly of wool, etc., or of representing or labeling as "all wool" or "woolen" any fabric made partly of wool and partly of cotton, silk, rayon or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent will also cease representing as imported, fabrics manufactured in the United States. (02330)

Minute Foods, Ltd.—Nelson A. Frazar, trading as Minute Foods, Ltd., Los Angeles Cal., in the sale of imitation food flavorings for use in making jellies, syrups, soft drinks and wines, agrees to cease overstating and misrepresenting the demand for his products and the opportunities for salesmen thereof. He will also discontinue representing that his preparations are nationally advertised and will cease using in advertising or trade promotional literature the word "Maple-X" so as to imply that the product so referred to is derived from the sap of the maple tree. The stipulation provides that if the product's flavor simulates maple flavor the word "Maple-X", if used, shall be accompanied by other words in equally conspicuous type indicating clearly that the product is not maple, or is anything but an imitation maple flavor. (2417)

Mutual Tailoring Company—See K & M Tailoring Company.

North American Editors' Service—Russell J. Waldo, trading as North American Editors' Service, Medina, N. Y., sold Readers' Preference Reports designed to influence the decisions of persons purchasing advertising space in magazines. He advertised his product by means of form letters and circulars. Among such representations, according to the stipulation, was the assertion that his service reports were based on some 12,000 questionnaires sent out and the resulting replies received from approximately 90 per cent. The stipulation points out that not more than 35 per cent of such replies could reasonably be expected. Waldo stipulates that he will discontinue this representation and also the assertions that his report service was conducted at the instance of eight advertising agencies and that publications have gained or lost advertising lineage according to whether they have purchased or used his Reader's Preference Reports. (2416)

Plymouth Rubber Company, Inc., Canton, Mass., manufacturer of rubberized materials including rubber bands, agrees to desist from use in its advertising matter of statements to the effect that its bands are guaranteed to meet Federal Trade Commission or Federal Commission specifications in every detail, when in fact there are no "Federal Trade Commission" or so-called "Federal Commission" standard specifications for products of such character; and from the use of these statements or any other representations of similar meaning which may tend to convey to purchasers the belief that the Federal Trade Commission or any other Commission of the United States Government has adopted, approved or promulgated standard specifications or requirements for rubber bands, when such is not a fact. (2406)

Ro-Ed Engineering & Combustion Company, in the sale of Knox-Skale and Knox-Karbo, agree to discontinue unauthorized publication in its advertising matter, trade promotional literature or otherwise, of copies of Navy Laboratory Test Reports, certificates of approval, confidential interdepartment naval communications, or any other confidential document or writing. The respondent also agrees to cease altering in any manner a purported copy of a Navy certificate of approval or other instrument or in any other way representing, directly or indirectly, that the Navy Department has approved or recommended Knox-Skale or Knox-Karbo, when these are not the facts. (2421)

Valmor Products Company—M. G. Neuman, trading as Valmor Products Company and Famous Products Company, 5249 Cottage Grove Avenue, Chicago, in his stipulation, which is supplemental to one accepted in May 1933, agrees to cease representing that he manufactures 500 or any number of products in excess of those actually made in his plant; that the bleaches he sells are safe or enable the user to have soft smooth skin; that the respondent's skin lightener is double quick in action and that his salesmen can earn $600 or any certain amount, except that the publication of actual earnings with statements of true circumstances is not prohibited. Neuman sells various articles, including Triple Action Hair Strength, Sweet Georgia Brown Bleach Cream, Brown Skin Beauty Cucumber Lotion, Paris Girl DeLux Perfumes, Valmor Corn Knocker and Valmor Red Clover Compound. He agrees to stop using the trade name Triple Action Hair Strength and Jickee La France, and to discontinue designating his lotion as "cucumber lotion" unless it contains a substantial amount of cucumber juice or extract. (0510)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Allied Gift Shop—Martin M. Slaton, trading as Allied Gift Shop, Detroit, has been ordered to cease and desist from the use of lottery methods in the sale of his products to ultimate consumers.

The respondent, who distributes clocks, electric razors, washing machines, pen and pencil sets and other merchandise, provided retailers selling the products with different types of push cards for use in connection with their disposal. The order of the Commission forbids the further supplying of such devices and the mailing, shipping or transporting of them for such use. (3252)

Artistic Tailoring Company—Jack King, alias Orris DeMatteis, an individual trading as Artistic Tailoring Company and Artistic Uniform & Tailoring Company, 6739 Montgall Street, Kansas City, Mo., who advertised that "We are tailors of the world's finest uniforms," with branches in Los Angeles and New York City, has been ordered to cease and desist from misrepresentations concerning his business status and the quality and nature of his products. (3621)

Burn, Pollak & Beer—Misrepresentations in the sale of loden cloth are prohibited under an order issued against Seymour Burn, Arthur Pollak and Franz Beer, trading as Burn, Pollak & Beer, 381 Fourth Ave., New York. The respondents sell loden cloth for foreign producers.

They are directed to cease representing that any mill located in the Tyrol region of what formerly was Austria is the sole producer of Tyrolese woven loden cloth, and that such cloth can be procured in the United States only through or from the respondents. The order also prohibits the representations that the water in the Tyrol gives Tyrolese woven loden cloth distinctive qualities not obtainable in loden cloth produced elsewhere and that this cloth is made entirely of Tyrolese wool, unless it is in fact made exclusively from the wool of sheep raised in the Tyrol. (3696)

Grand Gaslight, Inc., New York City, distributor of incandescent lamp bulbs, has been ordered to cease representing that it is a manufacturer or that lamp bulbs sold and distributed by it are of any designated number of watts or are designed to operate on any designated voltage other than the actual voltage and wattage of such bulbs.

Findings of the Commission are that many of the bulbs distributed by the respondent used more watts of electricity and gave less light than indicated by the markings on them. (2569)

K & K Supply Company, Inc.—Prohibiting the sale of foreign-made goods in a manner indicating they are American-made, a cease and desist order has ben issued against K & K Supply Company, Inc., 146 Chambers St., New York.

This company, according to findings, sells bicycles and bicycle frames, parts and accessories made in Japan, and bicycles containing parts of both Japanese and American make.

In the sale of these products the respondent company was found to have placed thereon name plates of certain American manufacturers and distributors in a manner completely concealing the "Made in Japan" designation and, in some instances, to have removed the "Made in Japan" notices before attaching the name plates. It also was found that in other instances the respondent furnished to dealers handling its products American name plates or emblems which the dealers placed in the same manner on Japanese bicycle frames.

The order directs the respondent to cease (1) representing, by use of misleading, fictitious or obsolete name plates or emblems, that its foreign-made bicycles or bicycles containing foreign-made parts are wholly of American manufacture; (2) causing the brands or marks on imported bicycle frames or other parts indicating foreign origin to be removed or concealed unless this is necessary in manufacturing or processing, and (3) furnishing dealers or distributors with devices enabling them to erase or conceal the foreign brands or to represent bicycles, bicycle frames or other parts made in a foreign country as being American-made. (3454)

Marvel Products Company—Robert C. Taylor, trading as Marvel Products Company, Hazel Park, Mich., has been ordered to cease representing that "Hair Marvel," one of the hair and scalp lotions distributed by him, is other than a hair dye and that it does not have the detrimental qualities usually attributed to hair dyes.

Findings of the Commission are that while Hair Marvel is advertised as "effective in stimulating the growth of new hair," in "eradicating dandruff" and "restoring the scalp to a natural healthy condition," it possesses none of these qualities. Ingredients of the formula of Hair Marvel comprise glycerin, bay rum, ammonia, chloride of sodium, precipitated sulphur, lead acetate, perfume and distilled water. Lead acetate, the findings state, is an accumulative poison which may prove harmful under some conditions of its use. (3316)

H. S. McCracken Box & Label Company—Manufacturing boxes, carton and labels which are sold to the drug trade for use in the packaging of drug products, H. S. McCracken Box & Label Company, 2640 South Shields Ave., Chicago, has been served with an order prohibiting misleading practices and representations.

Findings are that certain of the respondent's boxes, lettered or designed with representations concerning a medicine which the respondent itself did not manufacture or sell, were shipped empty to retail druggists, who filled them with medicines of their own selection to be sold to their customers.

These boxes, it was found, were lettered to represent a medicine, described as English Crown pills for menstrual ailments and as being "prepared only by Crown Chemical Co., London, Eng." Accompanying the boxes as furnished by the respondent were found to be circulars printed in English and German giving directions for use of the medicine and setting forth its therapeutic or remedial value in misleading terms. (3606)

Modern American Company—Prohibiting misrepresentations in the sale of an encyclopedia and loose-leaf service, an order has been issued against Charles E. Knapp, trading as Modern American Company, and A. J. Rivenbark, Jr., Cleo Samdahl and A. B. Landrum, all of 201 North Wells Street, Chicago, and Blanche Wynne of 1508 Main Street, Dallas, Tex.

Personally and through their salesmen, these respondents sell an eight- volume encyclopedia with a quarterly loose-leaf extension service. Their sales methods are described in Commission findings as constituting "merely a scheme to foist upon the purchasing public, at a profit, an old and obsolete set of reference books of little or no value as reference books, by reprints poorly made on an inferior quality of paper, from plates originally cast in 1893, and now issued and sold under the deceptive and misleading title 'Modern American Encyclopedia.' "

Findings of the Commission further show:

That the respondents represented various prominent persons as editors or contributors when in fact this was not generally true and that only slight contributions were made by a few of them to the original work and the earlier revisions; that the respondents used the name of the Carnegie Foundation or Institute as a sponsor of their publications when in fact it has not sponsored them; that they advertised as special reduced or introductory prices what were in fact their regular prices; that in some cases they advertised a loose-leaf service as being free when in fact a charge was made therefor, and that they represented as an advertising proposition taking the place of paid space and radio time an offer of sets to be given selected persons, the only charge being for the binding and a ten-year revision service. The facts were that these charges covered the regular price for the complete sets. (3503)

Joseph Sculler, Inc., Joseph Sculler, Mrs. Joseph Sculler and Hamel Gurwin, 35 East Gay St., Columbus, Ohio, wholesale and retail distributors of watches and other jewelry, have been ordered to cease and desist from representing that they manufacture merchandise sold and distributed by them until they own, operate and control the plant or factory wherein such merchandise is manufactured. (3701)

S & C Sales Company—Trading as S. & C. Sales, Samuel Cohen, a Philadelphia dealer in novelty goods, has been ordered to cease and desist from the use of lottery methods in the sale of his products to ultimate consumers.

Through the use of push card lottery devices, the respondent has distributed articles of merchandise as prizes to holders of lucky numbers wholly by chance, the Commission found.

The respondent was directed to cease selling or otherwise disposing of any merchandise by the use of punch boards or push or pull cards or other lottery devices and required to cease supplying others with such devices to enable them to dispose of merchandise. (3698)

Voss Company, Inc., 505 Court St., Brooklyn, N. Y., has been ordered to discontinue misleading representations in the sale of its product Magnespirin tablets, consisting of both aspirin and magnesium oxide.

Under the order, the respondent is to cease representing the preparation as a new discovery, findings showing that it has been on the market since 1929.

Other representations to be discontinued are that Magnespirin is superior to or will give quicker relief than ordinary aspirin; that it counteracts toxic effects or will stop all pain, and that it is a remedy or cure for acid conditions, headaches, neuralgia, neuritis, sleeplessness, nervousness or colds. (3490)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 14, April 7, 1939

The Week In Washington

Enthusiastic response to the NAB's call for the start of a year-round campaign to promote radio by radio and the release of the FCC's proposed new rules for the broadcasting industry stood out among broadcasting developments this week in Washington.

The first promotion campaign the broadcasting industry has ever undertaken to promote the American System of Broadcasting will get under way April 17, with "Open House Week" at nearly every member station.

The proposed FCC rules and an explanation by the Commission are printed inside. Among them is a rule which would extend the license period from six months to one year. The new rules with appendices make up a mimeographed volume three inches thick, far too bulky for thorough analysis this week. In next week's REPORTS, the NAB expects to present a resumé that will greatly facilitate study of the rules and help each member to decide whether he thinks that any section should be changed before the Commission acts on them.

Kansas has enacted a law seeking to curb the activities of pools controlling public performance of copyrighted music. Similar legislation is before the Vermont Legislature.

The American Federation of Labor joined the NAB in opposing federal legislation to ban radio beer and liquor advertising.

Year Round NAB-RMA Campaign Starts April 17

With dealer-distributor meetings scheduled in broadcasting studios from coast to coast in advance of the April 17th Open House Week, the NAB-RMA year round campaign to promote *radio via radio* is swinging into action, marking the first time in the history of radio that the entire industry has coordinated its efforts in this long-deferred self-promotion.

Desiring to erase the impression that the campaign is limited to one week only, Headquarters desires to point out that the campaign has been set up on a year round basis, as was pointed out in the announcement bulletin sent out three weeks ago.

Plans also place the responsibility for the formation of local Radio Councils on the broadcasters to invite distributors and retailers to their studio meetings upon their own initiative. While RMA, through their manufacturer members are circularizing their distributors and dealers, in support of the campaign, it would be a mistake on the part of the broadcaster if he waited for the dealer to come to him requesting such a meeting. *Plans were deliberately made to place the initiative and responsibility upon NAB member broadcasters.*

As the campaign moves into the summer months, RMA, through manufacturer members, will place new displays and promotional material in the hands of the 56,000 dealers tying in with the various seasonal appeals NAB will inspire.

Twice weekly NAB-RMA bulletins are going out to all member stations and to all RMA members and their advertising agencies. These bulletins will "service" the campaign, exchange ideas and keep the industry abreast of developments.

(Continued on page 3390)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

YEAR ROUND NAB-RMA CAMPAIGN STARTS APRIL 17

(Continued from page 3389)

Each station has been supplied with 200 window streamers for use in connection with the Open House Party. The thirty minute recorded dramatization of the objectives and possibilities of the drive, entitled "The Giant Speaks" is being shipped out over the week-end. There will also be sent recorded remarks by Mr. A. S. Wells, President of the RMA and by Mr. Neville Miller, President of the NAB.

Announcement will be made early next week as to the titles and time of the special network programs which will be broadcast beginning the week of April 17th. The "Eighteen Hours a Day" transcriptions to be supplied all non-network stations, will not be ready in time for Open House Week, but will have been in production and recorded for use by all non-network members in the early weeks of the year's campaign.

Meanwhile, scores of individual stations, network affiliates and non-network stations, have reported plans for the broadcasting of programs prepared by their own program departments designed to reflect American Radio and the contributions the station has made to it and to the community it serves.

Many broadcasters are lining up dates at luncheons and civic clubs, business and trade groups for "radio talks" to be delivered during the early spring months. Headquarters has sent out the manuscript of a twenty-five minute talk, especially written for this purpose, entitled "What A Free Radio Means to America."

Other members are reordering NAB literature such as "The ABC of Radio," "NAB News Review," "If I Ran the B B C," etc., for distribution during the Open House Week. Some stations are printing their own literature, many in pamphlet form, which features the fundamentals of the American System of Broadcasting and telling something of the history and service of the station.

The initial efforts of the two sections of the Radio Industry in inaugurating a years campaign, beginning the week of April 17th, is attracting national attention. Based on the dozens of telegrams, phone calls and letters received, it has the universal support of the NAB membership. Members are asked to send Headquarters brief accounts of their plans together with any unusually effective ideas or radio continuities used, so that these may be publicized to the industry.

Proposed FCC Rules

The Federal Communications Commission today issued the second and final part of the committee report on proposed rules governing standard broadcast stations and standards of good engineering practice. Totalling more than 500 pages, and containing scores of charts and tables, part two of the report of the Committee, composed of Commissioners Norman S. Case, Chairman, T. A. M. Craven, Vice Chairman, and George Henry Payne, supplies evidence supporting the conclusions reached in the first section of the report which was issued on January 18, 1939.

Specifically, however, the report makes certain definite recommendations which were not contained in the first section. While a longer license period was advocated in part one of the report, part two makes a flat recommendation that the license period for standard broadcast stations be increased from the present six months to a period of one year. This, the report states, "will assist in stabilizing the broadcast industry without reducing the necessary control of the Commission over the licensees."

While the report incorporates many of the recommendations and suggestions made by the industry, it carries forward the committee's earlier stand against super power. Devoting some 20 pages and an entire sub-section of the report to a discussion of this subject, the committee states that it "deems it unwise to conclude that the existing data are sufficient to warrant a conclusion in favor of super power. . . . The several considerations governing the interest of the public in general broadcasting structure," says the report, "are too great to warrant taking speculative risks, unsupported by adequate data, even though it be true from a technical standpoint that 500 kw power is one of the methods to improve service in rural areas."

The committee's report also recommends extension of the broadcast band from 550 to 1600 kc inclusive instead of from 550 to 1500 kc inclusive, as at present. No new allocation of stations is proposed in the band 1500 to 1600, on which frequencies four special broadcast stations are now assigned. These stations are to be classed as regional channel stations, instead of special broadcast stations.

In making recommendations as to the regulation of the technical phase of broadcasting, the committee states that, "Every effort has been made to make the proposed rules as flexible as possible as it is believed that by this means the fullest usage can be made of the broadcast facilities at the present time as well as providing for the future as the state of the art advances."

Other important changes in the rules, recommended by the committee, are as follows:

1. Establish three classes of standard broadcast channels.
2. Establish four general classes of standard broadcast stations.
3. Increase power of stations where needed and where technically feasible.
4. Requirements for applicants.
5. Experimental authorizations.
6. Extend use of duplicate transmitters.

While the major part of the report deals with the existing situation in radio broadcasting and proposed procedure for improving service, and is of a somewhat technical nature, there are separate sections dealing with the social aspects and the economic aspects of the broadcasting industry.

Certain of the charts and tables contained in these sections of the report reveal an interesting picture of the operation of the industry. It is shown in one of these charts that more than half (52.45%) of all the time on the air used by radio stations is taken up in music. In second place, come talks and dialogues which occupy 11.41% of broadcasting stations' time on the air. An interesting sidelight on this wide use of music is revealed in a table which lists the revenue classification of stations by type of programs. Here it is shown that stations earning $1,000,000 or over use musical programs in only 37% of their broadcasts, whereas the small commercial stations, earning up to $15,000, broadcast musical programs 61% of their time on the air.

The section dealing with the economic aspects of broadcasting states that during the period from 1922 to 1937, more than 53 million radio sets were sold with a retail value of nearly 4 billion dollars. The present day investment by the broadcasting industry in stations and equipment is shown to be approximately 50 million dollars, plus an additional 9 million dollars in network plant equipment.

The report states that the broadcasting industry (networks and 629 stations) sold time in 1937 valued at nearly 118 million dollars; and during an average week in 1938 the industry employed 17,085 full-time employees and 5,820 part-time employees.

The committee's report on proposed rules governing standard broadcast stations and standards of good engineering practice is legislative, rather than judicial in character. Similar, however, to the procedure used in examiners' reports, the Commission will grant opportunity to all interested parties to file exceptions, and will hear Oral Argument, before the report will be taken up by the Commission as a whole for final action. Undoubtedly exceptions will be filed.

In next week's Reports the NAB will comment on the proposed rules, which follow:

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RULES GOVERNING STANDARD BROADCAST STATIONS

Definitions[1]

30.01 The term "standard broadcast station" means a station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 550 to 1600 kilocycles inclusive.

30.02 The term "standard broadcast band" means the band of frequencies extending from 550 to 1600 kilocycles, inclusive, both 550 kilocycles and 1600 kilocycles being the carrier frequencies of broadcast channels.

30.03 The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to standard broadcast stations shall begin at 550 kilocycles and be in successive steps of 10 kilocycles.

30.04 The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.

30.05 The term "secondary station" means any station except a Class I station operating on a clear channel.

30.06 The term "daytime" means that period of time between 6 a.m. local standard time and local sunset.

30.07 The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.

30.08 The term "sunset" means, for each particular location and during any particular month, the average time of sunset as specified in the license of a broadcast station. (For tabulation of average sunset time for each month at various points in the United States see "Average Sunset Time.")

30.09 The term "broadcast day" means that period of time between 6 a.m. and 12 midnight, local standard time.

30.10 The term "experimental period" means that period of time between 12 midnight and 6 a.m. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station, on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

30.11 *Service Areas*

(1) The term "primary service area" of a broadcast station means the area in which the ground wave is not subject to objectionable interference or objectionable fading.

(2) The term "secondary service area" of a broadcast station means the area served by the sky wave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(3) The term "intermittent service area" of a broadcast station means the area receiving service from the ground wave but beyond the primary service area and subject to some interference and fading.

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[1] Other definitions which may pertain to Standard Broadcast Stations are included in Rules 21.01 to 21.35 and the Communications Act of 1934, as amended.

30.12 The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points.

30.13 The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

30.14 The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

Allocation of Facilities

31.01 *Three Classes of Standard Broadcast Channels*

(1) A "clear channel" is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference, within their primary service areas and over all or a substantial portion of their secondary service areas.

(2) A "regional channel" is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

(3) A "local channel" is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

31.02 *Classes and Power of Standard Broadcast Stations*

(1) A "Class I Station" is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference, except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in Rule 31.05 or in accordance with the "Engineering Standards of Allocation." The operating power shall be not less than 10 kw nor more than 50 kw (also see Rule 31.05 (a) for further power limitation).

(2) A "Class II Station" is a secondary station which operates on a clear channel (see Rule 31.05) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the "Engineering Standards of Allocation."

(3) A "Class III Station" is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contiguous thereto. Class III stations are subdivided into two classes:

(a) A "Class III-A Station" is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(b) A "Class III-B Station" is a Class III station which operates with a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(4) A "Class IV Station" is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt and its service area is subject to interference in accordance with the "Engineering Standards of Allocation."

31.03 *Time of Operation of the Several Classes of Stations*[2]

The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(1) "Unlimited time" permits operation without a maximum limit as to time.

(2) "Limited time" is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(3) "Daytime" permits operation during the hours between 6 a.m. and average monthly local sunset. (For exact time of sunset at any location, see "Average Sunset Time.")

(4) "Sharing Time" permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(5) "Specified Hours" means that the exact operating hours are specified in the license.

(The minimum hours that any station shall operate are specified in Rule 34.1.)

31.04 An authorization for a new standard broadcast station or increase in facilities of an existing station[3] will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That the proposed assignment will tend to effect a fair, efficient and equitable distribution of radio service among the several states and communities.

(2) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation.")

(3) That the applicant is financially qualified to construct and operate the proposed station.[4] That in case of a station to be supported by sponsored programs, adequate commercial support is available for the station. That in case of a station to be supported in other manner, adequate finances are available to support such service.

(4) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service. That an applicant (or the person or persons in control of an applicant corporation or other organization) for a Class IV station is a resident in, and familiar with the needs of, the community to be served.

(5) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and "Locations of Transmitters of Standard Broadcast Stations.")

(6) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(7) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

31.05[5] The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 740, 750, 760, 770, 800, 810, 820, 830, 850, 860, 870, 980, 990, 1000, 1070, 1090, 1130, 1150, and 1190 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 790, 970, 1020, 1040, 1050, 1060, 1080, 1100, 1110, 1140, 1160, 1170, 1180, 1460, 1470, 1480, and 1490 kilocycles.

31.06[7] The following frequencies are designated as regional channels and are assigned for use by Class III-A and Class III-B stations[6]: 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890,

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[2] Formal application required for change in time of operation of existing broadcast station. See "Standards of Good Engineering Practice" for form number.

[3] Formal application required. See "Standards of Good Engineering Practice" for form number.

[4] See "Money Required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers."

[5] See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

[6] See Rule 31.09 in regard to assigning Class IV stations to regional channels.

900, 920, 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles.

31.07[7] The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1200, 1210, 1310, 1370, 1420, and 1500 kilocycles.

31.08[7] The individual assignments of stations to channels shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation," Section C.)

31.09[7] On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

31.10 (a) Each standard broadcast station shall be considered located in the state and city where the main studio is located.

(b) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the city in which the main studio is located, in accordance with the "Standards of Good Engineering Practice", prescribed by the Commission.

31.11 The licensee of a standard broadcast station shall not move its main studio outside the borders of the city, State, district, Territory, or possession in which it is located without first making written application[9] to the Commission for authority to so move, and securing written permission for such removal. A licensee need not obtain permission to move the main studio from one location to another within a city or town, but shall promptly notify the Commission of any such change in location.

31.12 (a) Special Experimental Authorizations[8] may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor[9] and satisfactory showing in regard to the following, among others:

> (1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.
>
> (2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.
>
> (3) That the public interest, convenience and necessity will be served by granting the authorization requested.

(b) In case a Special Experimental Authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A Special Experimental Authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

> (1) Comprehensive summary of all research and experimentation conducted.
>
> (2) Conclusions and outline of proposed program for further research and development.
>
> (3) Comprehensive summary and conclusions as to the social and economic effects of its use.

31.13 (a) No application for authority to install a directional antenna[10] will be accepted unless a definite site and full details of the design of the directional antenna are given with the application. (See "Data Required with Applications Involving Directional Antenna Systems".)

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See "Field Intensity Measurements in Allocation," Section B.)

31.14[11] All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 700, 710, 720, 740, 750, 760, 770, 790, 800, 810, 820, 830, 850, 860, 870, 970, 980, 990, 1000, 1020, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1460, 1470, 1480, 1490 kilocycles February 1.

(2) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890, 900, and 920 kilocycles March 1.

(3) For stations operating on the frequencies 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, and 1290 kilocycles April 1.

(4) For stations operating on the frequencies 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles November 1.

(5) For stations operating on the frequencies 1200, 1210, and 1310 kilocycles December 1.

(6) For stations operating on the frequencies 1370, 1420, and 1500 kilocycles October 1.

Equipment

32.01 The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	*Maximum power authorized to station*	*Maximum rated carrier power permitted to be installed*[12]
Class IV	100 or 250 watts	250 watts
Class III	500 or 1000 watts	1000 watts
	5000 watts	5000 watts
Class II	250, 500 or 1000 watts	1000 watts
	5000 or 10,000 watts	10,000 watts
	25,000 or 50,000 watts	50,000 watts
Class I	10,000 watts	10,000 watts
	25,000 or 50,000 watts	50,000 watts

32.02 The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

(1) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in "Power Rating of Vacuum Tubes", prescribed by the Commission.

(2) If the maximum rated carrier power of any broadcast transmitter as determined by subsection (1) of this Rule, does not give an exact rating as recognized in the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(3) Authority will not be granted to employ, in the last radio stage of standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with "Requirements for the Approval of the Power Rating of Vacuum Tubes," prescribed by the Commission.

32.03 No licensee shall change, in the last radio stage, the number of vacuum tubes to vacuum tubes of different power rating or class of operation, nor shall it change system of modulation without the authority of the Commission.[13]

32.04 Other changes except as provided for in these Rules or "Standards of Good Engineering Practice," prescribed by the

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[7] See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

[8] Special authorizations which do not involve experimental operation may be granted pursuant to Rule 15.15.

[9] Formal application required. See "Standards of Good Engineering Practice" for form number.

[10] Formal application required. See "Standards of Good Engineering Practice" for form number.

[11] See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

[12] The maximum rated carrier power must be distinguished from the operating power (See Rules 21.18 and 21.20).

[13] Formal application required. See "Standards of Good Engineering Practice" for form number.

Commission, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes must be shown in full.

32.05 (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (Also see "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice. (See "Minimum Antenna Heights or Field Intensity Requirements" and "Field Intensity Measurements in Allocation," Section A.)

(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns except upon written application to and authority from the Commission.[14]

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to Section 303(q) of the Communications Act of 1934, as amended. (See "Standard Lamps and Paints.")

(e) The simultaneous use of a common antenna by two standard broadcast stations or by a standard broadcast station and a station of any other class or service will not be authorized unless both stations are licensed to the same licensee. (See "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

32.06 (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in these regulations.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of Article 37 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band[15] which cause or are capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this Rule, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements thereof will be published from time to time. (See "Construction, General Operation and Safety of Life Requirements.")

Technical Operation

33.01 The operating power of broadcast stations will be determined either by:

(1) Indirect measurement by means of the plate input power to the last radio stage,

(2) Direct measurement of the antenna, power, or

(3) Radiated power measurement computed from field intensity measurements.

33.02 Unless specifically authorized by the Commission to do otherwise, the licensee of a broadcast station shall compute its operating power by indirect method by means of the plate input power to the last radio stage.

33.03 Any licensee who has at any time been authorized by the Commission to compute operating power by any other method (e. g., by antenna input direct measurement, or radiated power measurement computed from field intensity measurements) shall, upon making any change in the antenna system or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, revert to the use of the indirect measurement of power determination until authorized to do otherwise by the Commission.

33.04 The operating power shall be determined by indirect measurement from the plate input power of the last radio stage by multiplying the plate voltage (E_P) by the total plate current of the last radio stage (I_P) and by the proper factor (F) given in the following tables:
that is

$$\text{Operating power} = E_P \times I_P \times F$$

A. Factor to be Used for Stations Employing Plate Modulation in the Last Radio Stage

Maximum rated carrier power of transmitter[16]	*Factor (F) to be used in determining the operating power from the plate input power*
Watts	
100 - 1000	0.65
5000 and over	0.70

B. Factor to be Used for Stations of all Powers Using Low-Level Modulation

Class of Power Amplifier in the Last Radio Stage	*Factor (F) to be used in determining the operating power from the plate input power*
Class B	0.33
Class BC[17]	0.60

C. Factor to be Used for Stations of all Powers Employing Grid Modulation in the Last Radio Stage

Type of tube in the Last Radio Stage	*Factor (F) to be used in determining the operating power from the plate input power*
Table C[18]	0.22
Table D[18]	0.33

33.05 In computing operating power by indirect measurement, the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See "Plate Efficiency of Last Radio Stage.")

33.06 The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.[19] These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.[20] The antenna ammeter shall not be changed to one of different type, maximum reading or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See "Further Requirements for Direct Measurements of Power.")

33.07 The operating power of a broadcast station determined by the radiated power computed from field intensity measurements may be accepted in lieu of antenna input power, provided a sufficient number of measurements are taken to insure accuracy and an analysis of the antenna system is submitted indicating the relative distribution of the radiation (i. e., ground and sky wave radiation). The data on the antenna resistance, complete description of the antenna system with dimensions and method of taking field intensity measurements and of relating these measurements to the operating power shall be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See "Field Intensity Measurements in Allocation," Section D.)

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[14] Informal application may be made, except in controversial cases or directional antenna; then formal application shall be made.

[15] See "Construction, General Operation and Safety of Life Requirements."

[16] The maximum rated carrier power must be distinguished from the operating power (see Rules 21.19 and 21.20).

[17] All linear amplifier operation where efficiency approaches that of Class C operation.

[18] See "Power Rating of Vacuum Tubes."

[19] See "Indicating instruments Pursuant to Rule 33.11."

[20] Formal application required. See "Standards of Good Engineering Practice" for form number.

33.08 (a) A license of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 per cent. When the transmitter is operated with 85 per cent modulation, not over 10 percent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 per cent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors. (See "Approved Modulation Monitors" and also "Requirements for Approval of Modulation Monitors".)

33.09 A licensee of a broadcast station claiming a greater percentage of modulation than the fundamental design indicates can be procured, shall submit full data showing the antenna input power by direct measurement and complete information, either oscillograms or other acceptable data, to show that a modulation of 85 per cent or more, with not over 10 per cent combined audio harmonics, can be obtained with the transmitter operated at the maximum authorized power.

33.10 The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge[21] shall be notified in writing immediately after the emergency develops. (See "Operating Power Tolerance".)

33.11 Each broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage. These indicating instruments shall not be changed or replaced, without authority of the Commission, except by instruments of the same type, maximum scale reading, and accuracy. (See "Indicating Instruments Pursuant to Rule 33.11".)

33.12 The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1939, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

33.13 The licensee of each standard broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. It shall have a stability and accuracy of at least 5 parts per million. (See "Approved Frequency Monitors" and also "Requirements for Approval of Frequency Monitors".)

33.14 The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in Rule 33.12.

33.15 New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization[22] from the Commission. (See "Approved Equipment.")

33.17 Upon showing that a need exists for the use of an auxiliary transmitter[23] in addition to the regular transmitter of a broadcast station, a license therefor may be issued provided that:

(1) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(2) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(3) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time upon failure of the main transmitter, or upon request by a duly authorized Government representative.

(4) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition, and that it is adjusted to the proper frequency. A record shall be kept of the time and result of test. Tests shall be conducted only between 1 a. m. and 6 a. m., local standard time.

(5) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(6) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by these regulations without any manual adjustment during operation or when it is being put into operation.

(7) The operating power of an auxiliary transmitter may be less than the authorized power but in no event shall it be greater than such power.

33.18 The licensee of a Standard Broadcast Station may be licensed for duplicate main transmitters provided that a technical need[24] for such duplicate transmitters is shown and that the following conditions are met:

(1) Both transmitters are located at the same place.

(2) The transmitters have the same power rating.

(3) The external effects from both transmitters is substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

33.19 Within two days after each use of the auxiliary transmitter, except for testing, the Commission and the Inspector in Charge shall be notified in writing of the date, time, and power at which the auxiliary transmitter was operated, and the reasons for each use.

Operation

34.01 Except Sundays, the licensee of each standard broadcast station shall maintain a minimum regular operating schedule of two-thirds of the total hours that it is authorized to operate during each broadcast day (both day and night), except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge[25] shall be notified in writing immediately after the emergency develops.

34.02 The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)

34.03 If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in Rules 34.1 and 34.2.

34.04 If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this rule the file mark of the Commission will be affixed thereto, 1 copy will be retained by the Commission, 1 copy forwarded to the inspector in charge, and 1 copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

34.05 For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations one night hour shall be considered the equivalent of two day hours.

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[21] See "Field Offices of the Commission."

[22] Formal application required. See "Standards of Good Engineering Practice" for form number.

[23] All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See "Use of Frequency and Modulation Monitors at Auxiliary Transmitter").

[24] Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or development work is being carried on requiring such alternate operation.

[25] See "Field Offices of the Commission."

34.06 If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with Rule 34.02. Time sharing agreements for operation during the experimental period need not be submitted to the Commission.

34.07 Departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Inspector in Charge.[26]

34.08 If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewal of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

34.09 If the licensee of a broadcast station is required to cease operation of the station at the time of sunset at some point within the United States, the license will specify the hour of the day during each month of the license period when operation of such station shall cease. (See "Average Sunset Time".)

34.10 The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station or stations on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, signed and approved by the licensee of the dominant station or stations. Upon receipt of such operating schedule, properly executed, the Commission will affix its file mark, retain 1 copy, forward 1 copy to the Inspector in Charge, and return 1 copy to the licensee authorized limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in Rule 34.07.

34.11 If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

34.12 In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

34.13 All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

34.14 If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight-saving time, and not standard time, as long as daylight-saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight-saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, However,* That when the license specifies average time of sunset, local standard time shall be observed and in no event shall a station licensed for daytime only operate on regular schedule prior to 6 a. m. local standard time or shall a station licensed for greater daytime power than nighttime power operate with the daytime power prior to 6 a. m. local standard time.

34.15 Where the local time is not changed from standard time to daylight-saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight-saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight-saving time is observed at the location of some of these stations.

34.16 The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

34.17 The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner (see Rule 22.13).

34.18 The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located (see Rule 22.14).

34.19 The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, However,* That such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.

34.20 The licensee of each broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(1) In the program log,

(a) An entry of the time each station identification announcement (call letters and location) is made, with an indication of the type of announcement.

(b) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, by whom presented, and the sponsor's name, with the time of the beginning and ending. If a mechanical record is used, the entry shall show the exact nature thereof such as "record", "transcription", etc., together with the name or title of each, and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(c) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(2) In the operating log,

(a) An entry of the time the station begins to supply power to the antenna and the time it stops.

(b) An entry of the time the program begins and ends.

(c) An entry of each interruption to the carrier wave, its cause and duration.

(d) An entry of the following each 30 minutes:

1. Operating constants of last radio stage (total plate current and plate voltage).
2. Antenna current.
3. Frequency monitor reading.
4. Modulation monitor reading for maximum and average for the past half-hour period.
5. Temperature of crystal control chamber if thermometer is used.

(e) Log of experimental operation during experimental period (If regular operation is maintained during this period, the above logs shall be kept).

1. A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

34.21 Logs of standard broadcast stations shall be retained by the licensee for a period of two years except when required to be retained for a longer period in accordance with the provisions of Rule 22.15.

34.22 (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation on the hour and half hour as provided below:

(b) Such identification announcement during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert or operatic production of longer duration than thirty minutes. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of such program.

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[26] See "Field Offices of the Commission."

(c) In case of variety show programs, baseball game broadcasts, or similar programs, of longer duration than thirty minutes, the identification announcement shall be made within five minutes of the hour and half hour.

(d) In case of all other programs (except provided in subsections (b) and (c) of this rule) the identification announcement shall be made within two minutes of the hour and half hour.

(e) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

34.23 Each broadcast program consisting of a mechanical record, or a series of mechanical records, shall be announced in the manner and to the extent set out below:

(1) A mechanical record, or a series thereof, of longer duration than fifteen minutes shall be identified by appropriate announcement at the beginning of the program, at each fifteen minute interval, and at the conclusion of the program: *Provided, However,* That the identifying announcement at each fifteen minute interval is not required in case of a mechanical record consisting of a single, continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than fifteen minutes:

(2) A mechanical record, or a series thereof, of a longer duration than five minutes and not in excess of fifteen minutes, shall be identified by an appropriate announcement at the beginning and end of the program;

(3) A single mechanical record of a duration not in excess of five minutes shall be identified by appropriate announcement immediately preceding the use thereof;

(4) In case a mechanical record is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical record is required.

(5) The exact form of the identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood by the listening public. The use of the applicable identifying words such as "a record", "a recording", "a recorded program", "a transcription", "an electrical transcription", will be considered sufficient to meet the requirements hereof. The identifying words shall accurately describe the type of mechanical record used, i.e.,, where a transcription is used it shall be announced as a 'transcription" or an "electrical transcription" and where a phonograph record is used it shall be announced as a "record" or a "recording".

34.24 (a) The term "rebroadcast" means reception by radio of the program[27] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[28]

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[29]

(c) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.[30] [31]

(d) In case of a program rebroadcast by several standard broadcast stations such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of station originating the program.

Attention is directed to Section 325(b) of the Communications Act of 1934, which reads as follows:

"No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor."[32]

36.01 No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate.

36.02 The following definitions shall apply for the purposes of Rule 36a 1:

(a) "A legally qualified candidate" means any person who has met all the requirements prescribed by local, state or federal authority, as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws.

(b) "Other candidates for that office" means all other legally qualified candidates for the same public office.

36.03 The rates, if any, charged all such candidates for the same office, shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities or services for or in connection with service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the *exclusion of other legally qualified candidates* for the same public office.

36.04 Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

Assignment of Channels in Compliance with the North American Regional Broadcasting Agreement

31.05A The frequencies in the following tabulation are designated as clear channels and are assigned for use by the classes of stations as given:

(1) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 850, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(2) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 940, 1000, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1200, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(3) For Class II stations located not less than 650 miles from the nearest Canadian Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 690, 740, 860, 990, 1010,[33] and 1580 kilocycles.

(4) For Class II stations located not less than 650 miles from the nearest Mexican Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 730, 800, 900, 1050, 1220, and 1570 kilocycles.

(5) For Class II stations located not less than 650 miles from the nearest Cuban Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 1540 kilocycles.

31.06A The following frequencies are designated as regional channels and are assigned for use by Class III-A and Class III-B stations[34]: 550, 560,[35] 570,[35] 580, 590,[35] 600, 610, 620, 630,[35] 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,[35] 1280,

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[27] As used in Rule 34.24 "program" includes any complete program or part thereof, or any signals if other than A_3 emission.

[28] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[29] The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[30] The broadcasting of a program relayed by a relay broadcast station (Rule 1000) is not considered a rebroadcast.

[31] Informal application may be employed.

[32] Formal application required. See "Standards of Good Engineering Practice" for form number.

[33] A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

[34] See Rule 31.09 in regard to assigning Class IV stations to regional channels.

[35] See North American Regional Broadcasting Agreement for special provision concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said Agreement.

1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

31.07A The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

31.08A (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation", Section C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

31.09A On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

License Periods

31.14A All standard broadcast station licenses will be issued so as to expire at the hour of 3 a.m. Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(1) For stations operating on the channels 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570 and 1580 kilocycles February 1.

(2) For stations operating on the channels 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, and 950 kilocycles March 1.

(3) For stations operating on the channels 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles April 1.

(4) For stations operating on the channels 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles November 1.

(5) For stations operating on the channels 1230, 1240, and 1340 kilocycles December 1.

(6) For stations operating on the channels 1400, 1450, and 1490 kilocycles January 1.

NAB TO DIRECT DISCUSSION AT OHIO UNIVERSITY CONFERENCE

The National Association of Broadcasters will direct a panel discussion on the opening day of the Tenth Institute of Radio by Education to be held by Ohio State University at Columbus, Ohio, May 1, 2 and 3.

Headquarters feels that this is a most important meeting and urges member stations to send representatives qualified to take part in the discussions to reflect the contributions commercial broadcasting has made to education in the past year and to assist in the formulation of NAB-sponsored educational activities designed to round out the already improved character and scope of radio educational programs.

Meetings will be held on the campus of Ohio State and also in the Deshler-Wallick Hotel, Columbus.

MILLER, STAHLMAN MEET

James G. Stahlman, president of the American Newspaper Publishers Association, and Neville Miller, NAB president, will head joint committees representing the newspapers and radio stations which meet on the afternoon of April 27, at the Waldorf Astoria Hotel, in New York, to review and analyze the entire field of press-radio relations.

The meeting scheduled during the ANPA annual convention will be preceded by a luncheon.

LIQUOR ADVERTISING

The American Federation of Labor joined the NAB last week in opposing legislation to ban beer and liquor advertising on the air.

I. M. Ornburn, secretary of the A. F. of L. Union Label Trades Department, and Joseph Obergfell, president of the Brewery Workers union, appeared before the Senate Interstate Commerce Committee in opposition to the legislation.

Mr. Ornburn agreed with Neville Miller that the legislation "will invite further pressure by militant minority groups to prohibit advertisement of other commodities."

Dr. Howard A. Dawson, director of the Division of Rural Education of the National Education Association, and Mrs. Sina H. Stanton of the Council of Women for Home Missions appeared in support of the legislation.

Mr. Dawson said radio advertising of alcoholic beverages made more difficult the educator's task of "teaching the harmful effects of consumption of alcohol and narcotics."

ACCOUNTING COMMITTEE MEETS

A meeting of the NAB Accounting Committee was held at Headquarters Tuesday and Wednesday, April 4 and 5. Those in attendance were Chairman Harry C. Wilder, N. L. Kidd, WSYR, Syracuse, New York; J. E. Holley, WTAG, Worcester, Massachusetts; H. F. McKeon, NBC, Washington, D. C.; E. M. Stoer, Hearst Radio, Inc., New York, N. Y.; and Frank White, S. R. Dean, CBS, New York, N. Y. President Neville Miller, Paul Peter, and Edwin M. Spence of NAB Headquarters Staff were also present. The purpose of the meeting was to study and to endeavor to work out a system for NAB cooperation with the FCC Accounting Division as far as future accounting and statistical reports are concerned. Another committee meeting will be held on May 8.

FREE OFFERS

The NAB is investigating Warner Brothers' offer of a series of transcriptions entitled "America Marches On."

The Gold Standard Watch Company, Newton, Mass., has been notified that acceptance of advertising for its simulated diamond rings on a cost-per-inquiry basis would constitute a violation of the NAB code.

The Flower Industries Council, New York City, is offering a fashion script to promote flower buying.

Monopoly Hearing

Drawing toward a close, the FCC monopoly investigation turned this week to the transcription business, after the commission had placed in the record a series of exhibits purporting to show groups of ownership interest in the industry.

MARCH 30

DeQuincy V. Sutton, FCC accountant, continued to place commission exhibits in the record, most of them dealing with rates, but the last 117 purporting to show "groups" of "ownership interest."

MARCH 31

Paul Porter, CBS counsel, objected when "Schedule 117" listed as a "group" 34 stations called the "City Stores-Columbia-Gannett-Paramount Group."

APRIL 4

In cross-examining Mr. Sutton, Mr. Porter attacked the validity of the schedule which listed thirty-four stations as the "City Stores-Columbia-Gannett-Paramount Group." Twelve stations on the exhibit were included in the "Gannett" group and Mr. Porter developed from the Commission witness the fact that the CBS relationship with this group, insofar as common ownership was concerned, rested solely on the circumstance that Richard K. Phelps, Manager of KITE, holds one qualifying share of stock in the corporation operating the station and that Sam Pickard, a vice-president of CBS, owns a minority interest in the station. It was developed that Phelps also has a minority interest in WOKO in which The Press Company, a Gannett controlled corporation, also holds a minority interest. Because of these holdings, the Commission exhibit included twelve stations in the group which Mr. Porter insisted flowed from the single share of stock held by Mr. Phelps in KITE. The CBS counsel developed the fact that no officers or directors of Columbia had any ownership in twenty-one of the stations listed on the schedule. After completing cross-examination of Mr. Sutton, Mr. Porter moved that the exhibit be stricken from the records and characterized it as "misleading and insubstantial" and urged that it presented "a completely distorted picture insofar as any relation with CBS is concerned." Commissioner Walker overruled the motion and the CBS counsel asked and was granted the privilege, if he so desired, of arguing the question of its admissibility before the full Commission.

APRIL 5

The Commission turned to electrical transcriptions, and heard testimony by C. Lloyd Egner, NBC; E. V. Brinckerhoff, Frank B. Walker, RCA vice-president, and Merritt E. Tompkins, Associated Music Publishers, Inc. The whole field of recordings and transcriptions and their manufacture and use was thoroughly reviewed. The Commission's interest was shown by the fact that the hearing did not recess until after 6 p. m.

THOMPSON NOMINATION GETS FAVORABLE REPORT

The Senate Committee on Interstate Commerce on Thursday made a favorable report on the nomination of Frederick I. Thompson of Alabama as a member of the Federal Communications Commission to take the place of Judge Eugene O. Sykes, whose resignation was accepted by the President as of April 5. Mr. Thompson was nominated for the remainder of the Sykes term, which runs until July 1, 1941. Mr. Thompson is in Washington awaiting Senate action.

FCC TELEVISION COMMITTEE GOES TO NEW YORK

The Television Committee of the Federal Communications Commission will make a trip next week to New York and Philadelphia to get firsthand information regarding the present television situation. Apparently the members of the Committee are not satisfied with the reports and information which is reaching them and they desire to see the television laboratories and factories for themselves. The Committee consists of Commissioners T. A. M. Craven, Norman S. Case, and Thad H. Brown.

KANSAS ENACTS MONOPOLY BILL

The legislature of Kansas has enacted a new law seeking to curb the activities of pools controlling public performance of copyrighted music. The statute was signed by the Governor April 4 and is now the law of that state. This statute is substantially similar to that enacted in North Dakota (NAB REPORTS, March 10, pp. 3334-3336) and to the bills pending before the legislatures of a number of states (NAB REPORTS, March 10, p. 3336).

The Kansas statute compels copyright owners licensing performance rights in the state to make a full disclosure of the material licensed by them. It requires the filing under oath of the details respecting each copyrighted musical composition as a condition precedent to the right to do business in the state. Blanket licensing at blanket fees by combinations of copyright owners is permitted, provided the individual members of the combination also afford users the option of buying portions of the combined catalogues on a per-use basis.

MUSIC MONOPOLY BILLS

The legislature of the state of Vermont has before it a bill seeking to curb the activities of pools controlling public performance of copyrighted music. This bill is said to be substantially similar to the statutes enacted by North Dakota, Kansas and Montana. Details of the proposed legislation are not available, but it is reported that the bill has been passed by the House and that a hearing was held before the Senate Judiciary Committee last week.

A third bill has been introduced in Missouri embodying the principles involved in the 1937 Washington-Montana statute. This bill is substantially the same as the two heretofore introduced.

NORTH CAROLINA ADOPTS PHONOGRAPH RECORD, TRANSCRIPTION LAW

The phonograph record bill introduced in North Carolina (NAB REPORTS, February 10, p. 3271) has been passed by both houses of the legislature, was approved by the Governor and is now the law of the state. This statute is similar to the one adopted in South Carolina (NAB REPORTS, February 3, pp. 3252-3253). It abrogates all common law rights to restrict or to collect royalties on the commercial use made of recorded performances on phonograph records or electrical transcriptions when such records or transcriptions have been sold in commerce. It prevents the imposition of restrictions or the requiring of license fees by such organizations as the National Association of Performing Artists, which claim a common law copyright in recordings.

APPELLATE COURT REVERSES FCC DECISIONS

The United States Court of Appeals for the District of Columbia on April 3 sustained the contention of the Pottsville Broadcasting Company on its petition for writs of prohibition and mandamus. In May, 1936, the Pottsville Company had applied for a construction permit which was denied by the Commission in May, 1937, upon the grounds that the showing of financial ability was not satisfactory. At the same time the Commission stated "that the principal stockholder of the applicant did not reside in Pottsville, had no definite plans for spending a percentage of his time there, and had failed to show he was acquainted with the needs of the area proposed to be served and prepared to meet those needs." An appeal was taken to the Court of Appeals, and the decision reversed in May, 1938, because the court was of the opinion the Commission erred in holding that adequate financial responsibility had not been shown.

When the case was remanded to the Commission, the Pottsville Company requested that its application be reconsidered and granted, pointing out that the Commission had never adopted a policy requiring a majority stockholder to be a resident of the area served. The Commission, however, refused to accede to this position and entered an order for a new hearing on the applications of the Pottsville Company, the Pottsville News and Radio Corporation (whose application had been filed seven months after the petitioner's) and the Schuylkill Broadcasting Company. Whereupon the Pottsville Company applied to the Court of Appeals for a writ to prohibit the Commission from taking any steps other than those required by the previous decision of the Court of Appeals and for a writ of mandamus to require the Commission to grant the petitioner's application on the record as submitted to and considered by the court. It was contended by the Commission that neither prohibition nor mandamus may be invoked to restrain it from exercising at any time its regulatory power conferred by law, or to circumscribe its discretion.

In holding that the FCC must consider the case on the basis of the court's prior decision and on the record established at that time, the court said:

> "We have no doubt that as far as is practicable the order of the court entered on an appeal from the Commission ought to have the same effect and be governed by the same rules as apply in appeals from a lower federal court to an appellate federal court in an equity proceeding. The rule in such cases is stated in *Sanford Fork & Tool Co., Petitioner,* 160 U. S. 247, restated in *Re Potts,* 166 U. S. 263, and confirmed in *D. L. & W. R. Co.* v. *Rellstab,* 276 U. S. 1. Shortly stated, the rule is that when a case has been decided on appeal and remanded to the trial court, the latter has no authority, without leave of the appellate court 'to grant a new trial, a rehearing or a review, or to permit new defenses on the merits to be introduced by amendment of the answer.' * * *
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> " * * * But we think it is obvious that the particular objections of the Commission to a reconsideration on the record—to which we have referred—are mere makeweights, and that the real bone of contention is the insistence by the Commission upon absolute authority to decide the rights of applicants for permits without regard to previous findings or decisions made by it or by this court.
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> "While it is true the authority to grant is exclusive in the Commission, and while it is also true, as we have said before, that the license conferred on the owner of a radio broadcasting station is permissive only and within the power of the Commission by congressional delegation, we cannot consent to the view that either the right to grant or the right to revoke is subject to the uncontrolled discretion of that tribunal. In granting licenses, the Commission is required to act 'as public convenience, interest or necessity requires.' This criterion is not to be interpreted as setting up a standard so indefinite as to confer unlimited power. *Nelson Bros. Co.* v. *Federal Radio Commission,* 289 U. S. 266. When an applicant for a station who is qualified as to citizenship and otherwise has submitted his cause to the Commission and the Commission in denying the application has filed, as the Act requires and as we have time and again insisted should be done, 'a full statement in writing of the facts and grounds for its decision' and an appeal as authorized by law is taken to this court, and the decision of the Commission reversed and the cause remanded for proceedings in accordance with our opinion and order, it is the duty of the Commission to comply with that order and, unless for some exceptional reason it obtains leave of this court to reopen the case, to reconsider the matter on the record and in the light of this court's opinion.
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> "Here, as we have pointed out, petitioner was first in the field. Its application was duly set down for hearing and was duly heard by the Commission on the record made. This was in accordance with the Commission's Rule 106.4, which recognizes priority of filing when subsequent applications are made after the prior one has been set for hearing. In such a case petitioner ought not now to be put in any worse position than it occupied on the original hearing, and therefore ought not to be required any more now than originally to be put in hodgepodge with later applicants whose records were not made at the time of the previous hearing. On this state of facts, we are of opinion the Commission should rehear the application on the record and in the light of our opinion. We believe that this expression of our views on the subject will obviate the necessity of issuing the writ. * * *"

The judgment of the court was suspended for thirty days in order to afford the FCC an opportunity to comply with the decision without the issuance of the writs of prohibition and mandamus.

A similar case involving the application of Paul R. Heitmeyer for a permit to construct a station at Cheyenne, Wyoming, was decided by the Court of Appeals at the same time. In that case, Heitmeyer had filed a petition with the United States District Court for the District of Columbia requesting a permanent injunction against the granting by the Commission of a construction permit to any applicant other than Heitmeyer for a station at Cheyenne until the Commission had rendered a decision on the record as made at the original hearings. The injunction was granted by the lower court. In reversing the lower court and remanding the case with instructions to dismiss without prejudice, the Court of Appeals stated that the rule announced in the Pottsville case was controlling and that Heitmeyer was entitled to apply to the Court of Appeals for a writ of mandamus.

NEW LEGISLATION

CONGRESS

H. R. 5508 (Mr. Peterson, Florida) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee.

STATE LEGISLATION

ALABAMA:

H. 297 (Beck) LIQUOR ADVERTISING—Further promoting temperance and suppressing intemperance; making unlawful the advertisement of alcoholic, spirituous, vinous or malt liquors; to provide for the removal of such advertisements and defined cases; and to provide for the prevention of the continuation and repetition of the acts hereby made unlawful. Referred to Temperance Committee.

CONNECTICUT:

H. 500 (Brysh) LIQUORS—ADVERTISING PRICES—Prohibiting the advertising of prices of alcoholic liquors. Referred to Judiciary Committee.

DELAWARE:

H. 355 (Biggs) ADVERTISING—ALCOHOLIC LIQUORS—Amending Chapter 176 of the Revised Code of Delaware, 1935, in reference to advertising.

MASSACHUSETTS:

H. 648 (Dana) ADVERTISING—Regulates signs and advertising devices not now subject to regulation. Referred to Mercantile Affairs Committee.

H. 1724 (Reiner) MILK—ADVERTISING—Providing that certain sums of money collected by the milk control board from dairy farmers and milk dealers be used for advertising milk to increase the consumption of milk. Referred to Agriculture Committee.

H. 1726 (Dole) MILK—ADVERTISING—Setting aside part of the funds of the department of agriculture for advertising the food value of milk. Referred to Agriculture Committee.

H. 1795 (Selectmen of Norwood) ADVERTISING—Amending an act concerning advertising signs and devices. Referred to Mercantile Affairs Committee.

MARYLAND:

H. 345 (Luber) ALCOHOLIC BEVERAGES—ADVERTISING—To amend Section 28 of Article 2B of the Annotated Code (1935 Supplement), increasing the amount which may be expended in advertisements for retail dealers by manufacturers, wholesalers, distillers, etc. Referred to Ways and Means Committee.

MISSOURI:

(House Com. Substitute for H. 1 and H. 623) SALES TAX—Amends the present sales tax act and in addition levies a tax on certain services.

H. 704 (Turner & Hamlin) POOLS—TRUSTS—CONSPIRACIES—Amends the statute relating to pools, trusts, conspiracies and discrimination in business practices. Referred to Criminal Jurisprudence Committee.

NORTH CAROLINA:

H. 1165 BANKS—DEROGATORY STATEMENTS—Making it unlawful to utter or publish any maliciously false or derogatory statement about banks.

OKLAHOMA:

H. 583 (Meyers et al.) COPYRIGHTS—Regulating copyrights and public performing rights of musical compositions.

SOUTH CAROLINA:

H. 631 (Brown) SMALL LOANS—Regulates business of making loans in the amounts of $300 or less. Referred to Banking and Insurance Committee.

WASHINGTON:

S. 185 (Troy) LIQUOR ADVERTISING—Taking from liquor board the power to regulate liquor advertising.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the Pinellas Broadcasting Company authorization to construct a new station at **St. Petersburg, Florida,** to use **1370 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The Commission found that the applicant is in all ways qualified to construct and operate the station and "the evidence shows a need for the additional broadcast service herein proposed." The Commission stated that the granting of the application would serve the public interest.

Commissioner Sykes dissented.

The application of WSJS, **Winston-Salem, North Carolina,** to move to a new location, to install a new transmitter, erect a vertical antenna, and to increase the daytime power from 100 watts to 250 watts has been granted by the Commission.

It was found that there is a need for the additional daytime service in the area proposed to be served and that the operation of the station "with power of 250 watts would not be expected to result in objectionable interference to any existing or proposed station."

The Commission has also granted the application of the Fredericksburg Broadcasting Corporation for the erection of a new station at **Fredericksburg, Va.,** to operate on **1260 kilocycles,** 250 watts, daytime only.

The Commission stated in its decision that a public need exists for the proposed broadcast service and "the applicant has shown availability of talent and financial support to a degree that will reasonably assure operation in the public interest."

Drohlich Brothers have been granted an application by the Commission to erect a new broadcast station at

Sedalia, Missouri, to operate on **1500 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

A public need exists for the proposed service and the operation of the new station would not cause objectionable interference, the Commission stated in its opinion. Also economic support and talent for program material is available, and the applicants, the Commission stated, are in all ways qualified to construct and operate the proposed station.

The Merced Star Publishing Company, Inc., license of Station KYOS, has been granted authority to assign the station's license to the Merced Broadcasting Company, **Merced, California.** The station operates on **1040 kilocycles,** 250 watts, daytime.

It is stated in the opinion by the Commission that the assignee is qualified to operate the station and "adequate financial provision has been made for the continued operation of the station." The program service now rendered by the station and which is satisfactory at the present time will be continued, and the granting of the application will be in the public interest.

The Commission granted the application of KWNO, **Winona, Minnesota,** to use unlimited time with 100 watts night. The station operates on **1200 kilocycles,** 250 watts, daytime only.

It was found by the Commission that there is need for additional service in the area served by the station, and its operation as proposed will not cause objectionable interference. The Commission stated that the granting of the application will be in the public interest.

The application of KTKC, **Visalia, California,** to install a new transmitter and erect a new antenna system and to change its frequency from **1190 kilocycles** to **890 kilocycles,** and increase its power and time of operation from 250 watts day to 1000 watts, unlimited time has been granted by the Commission "subject however, to the condition that the granting of the application of KTKC to operate on frequency **890 kc.,** with 1 KW is contingent upon Proof of Performance showing that the proposed antenna does not produce a maximum field in the direction of station KFPY in excess of that specified by the radiation pattern and that the antenna will have a minimum effective field intensity of 175 mv/m at one mile for 1 KW."

It was found by the Commission that the station is in all ways qualified to operate the station as proposed, and that operating as proposed the station will serve during daytime a much larger population and at night substantial population not now receiving service from it because of the limited hours of operation. Commissioner Sykes did not participate in this decision.

FCC ORDER

The Federal Communications Commission this week issued an order dismissing an application for the modification of a construction permit filed by the Hunt Broadcasting Association.

The Commission issued a construction permit to this Association for a new station at **Greenville, Texas,** in May 1937, to use **1200 kilocycles,** 100 watts power, daytime only. The Association notified the Commission that "the common law partnership originally constituting the Hunt Broadcasting Company, composed of Fred E. Horton, Noble W. Young and J. L. Collins, dissolved by operation of law upon the death of Fred E. Horton on June 29, 1938." The Commission called upon the Association to show cause why the permit it issued for the construction of the station should not be revoked. The Commission, having taken the matter under consideration, stated in its order that the construction permit "terminated on the date of dissolution of said Association."

PROPOSED FINDINGS OF FACT

The Federal Communications Commission has adopted its Proposed Findings of Fact proposing to grant the application for renewal of license for WBBZ, **Ponca City, Oklahoma,** to operate on **1200 kilocycles,** 250 watts day, 100 watts night, unlimited hours, and also adopted the Proposed Findings which proposes to consent to the involuntary assignment of the station's license to Adelaide Lillian Carrell, Executrix of the Estate of Charles Lewis Carrell, Deceased.

The Proposed Findings stated that there is a prevailing need for local service supplied by the station and that its continued operation would be in the public interest. It is also stated by the Commission that the applicant is in all ways qualified to operate the station.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 10. They are subject to change.

Monday, April 10

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Tuesday, April 11

NEW—W. B. Greenwald, Topeka, Kans.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Wednesday, April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 kc.,** 100 watts, unlimited time. Present assignment: **1420 kc.,** 100 watts, daytime.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

May 12

KROY—Royal Miller, Sacramento, Calif.—Modification of license, **1210 kc.**, 100 watts, unlimited time. Present assignment: **1210 kc.**, 100 watts, daytime.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.**, 100 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, daytime.

May 15

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 kc.**, 500 watts, 500 watts LS, unlimited time. Present assignment: **1340 kc.**, 250 watts, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., **1140 kc.**, 250 watts, daytime.

May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

May 29

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., **990 kc.**, 1 KW, daytime.

June 1

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABR, Aberdeen, S. Dak.; KALE, Portland, Ore.; KECA, Los Angeles, Calif.; KFAC, Los Angeles; KFBK, Sacramento, Calif.; KFH, Wichita, Kans.; KGHF, Pueblo, Calif.; KIDO, Boise, Idaho; KINY, Juneau, Alaska; KLO, Ogden, Utah; KLRA, Little Rock, Ark.; KMED, Medford, Ore.; KMO, Tacoma, Wash.; KQV, Pittsburgh, Pa.; KRLC, Lewiston, Idaho; WAWZ, Zarephath, N. J.; WCKY, Covington, Ky.; WHBL, Sheboygan, Wis.; WKBH, La Crosse, Wis.; WNBC, New Britain, Conn.; WOKO and auxiliary, Albany, N. Y.; WORK, York, Pa.; WROK, Rockford, Ill.; WSAR, Fall River, Mass.; WSBT, South Bend, Ind.; KIEM, Eureka, Calif.; WHIS, Bluefield, W. Va.; WHK, Cleveland, Ohio; WIRE and auxiliary, Indianapolis, Ind.; WJSV, Washington, D. C.; WMPS, Memphis, Tenn.; WSAI, Cincinnati, Ohio; WSMB, New Orleans, La.; WSMK, Dayton, Ohio; WKBW, Buffalo, N. Y.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KUTA—Utah Broadcasting Company, Salt Lake City, Utah.—Application for C. P. to move transmitter site locally from 13th So. Third St. to 21st So. 6-8th West, South of Salt Lake City; make changes in composite equipment; change frequency from **1500 kc.** to **570 kc.**; increase power from 100 watts to 1 KW; and install directional antenna system for both day and nighttime operation. Designated for hearing to determine if interference might result to existing stations.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Application for modification of license to change time of operation from daytime only to limited sunset, Eau Claire, Wis. Designated for hearing to determine if interference might result with Canadian station CBM.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Application for modification of license to change frequency from **920 kc.** to **1120 kc.**, and increase power and time of operation from 1 KW, daytime only, to 500 watts night, 1 KW day, unlimited. Designated for hearing to determine if interference might result, and because of pending application for new facilities.

KALE—KALE, Inc., Portland, Ore.—Application for C. P. to move transmitter site locally from 518 S.E. Morrison Street to Barnes Road, west of city limits of Portland, Ore.; make changes in composite equipment; install a vertical radiator and increase day power from 1 to 5 KW. Designated for hearing because pending applications involve increase in service, and to determine if interference might result with existing stations.

MISCELLANEOUS

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to rebroadcast Naval Observatory time signals received from station NAA/NSS over WFMD, for the period ending no later than September 1, 1939.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted extension of special temporary authority to increase the fields in the directions of the minimums to around 500 millivolts per meter, for the period ending no later than April 9, in order to determine the cause of fading in the Petersburg, Va., area.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 1:30 to 3 p. m., CST, on April 7, in order to broadcast Tre Ore Services.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast (exp.) stations W8XIQ and W8XIR on the frequency **31220 kc.** pending definite arrangements to be made to eliminate interference with Cleveland's police service, for the period April 10 to May 9, 1939.

National Broadcasting Co., New York City.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army posts throughout the U. S. via RCA Communications, Inc., receiving stations at Pt. Reyes, Calif., and Riverhead, N. Y., or via specially provided temporary NBC operated receiving stations and probably via U. S. Army receiving stations (all signals received being transmitted via wire line to most convenient location to be fed into the network wireline system), over an NBC network, on April 2, as a part of the RCA Magic Key program.

W3XO—Jansky and Bailey, Washington, D. C.—Granted special temporary authority to operate high frequency broadcast station W3XO on a frequency of **43.2 megacycles**, with the regular power of 1 KW, pending final arrangements in connection with reallocation of high frequency services with respect to Commission Order No. 19, for a period not to exceed 30 days.

NEW—J. J. White, d/b as the Greenville Broadcasting Co., Greenville, N. C.—Denied petition to reopen the record in the matter of the application of Nathan Frank for a new station in New Bern, N. C., and the Commission on its own motion reopened and remanded the application of Nathan Frank for the purpose of taking further evidence on questions related to the issue of his financial qualifications as an applicant for a station license.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce its broadcasting schedule to one hour per week during the period of the Easter holidays at Luther College, for the period April 6 to April 10, 1939.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (April 6:45 p. m., EST) to 9 p. m., EST, on April 3, in order to broadcast program from 6:45 p. m. to 8 p. m. by various departments of Bridgewater College, and from 8 to 9 p. m., Senator Byrd's address.

KROY—Royal Miller, Sacramento, Calif.—Granted petition for order to take depositions in re application for modification of license to increase hours from daytime to unlimited, on **1210 kc.**, 100 watts.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted motion of respondent for postponement of hearing now scheduled for April 28, to May 29, 1939, on application of The Gazette Co. for a new station in Cedar Rapids, Iowa, to operate on **1420 kc.**, 100 watts, unlimited.

KFI—Earle C. Anthony, Los Angeles, Calif.—Granted motion of respondent for order to take depositions in re application of KOH, the Bee, Inc., Reno, Nevada, for C. P. to move studio and transmitter locally; change frequency from **1380 kc.** to **630 kc.**, and power from 500 watts to 1 KW, DA at night.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted petition for continuance of hearing now scheduled for April 26, to June 1, 1939, in re application for C. P. to operate on **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

KCKN—KCKN Broadcasting Co., Kansas City, Kans.—Granted petition to intervene in the hearing on the application of WREN, Kansas City, Mo., for C. P. to install directional antenna and move transmitter and studio.

NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Granted petition to dismiss without prejudice application for C. P. for new station to operate on **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted amended motion in part, continuing hearing now scheduled for April 7, to May 15, 1939. (Applicant requested extension until some time after July 1.)

NEW—Samuel M. Emison, Vincennes, Ind.—Granted petition to intervene in the hearing on the application of Vincennes Newspapers, Inc., for a new station in Vincennes, Ind., to operate on **1420 kc.**, 100 watts, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—Granted petition for continuance of hearing now scheduled for April 12, to June 1, 1939, in re application for C. P. to operate new station on **1370 kc.**, 100 watts, unlimited time.

KRSC—Radio Sales Corp., Seattle, Wash.—Granted petition for special relief to cure alleged formal defects in certain depositions in re application for C. P. to make changes in equipment and increase in power.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted motion to dismiss without prejudice application for C. P. to install a new transmitter and vertical antenna, increase in power, and move transmitter.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted petition to dismiss without prejudice application for C. P. to increase power and install new transmitter.

W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Granted petition to dismiss without prejudice application for modification of C. P. to extend commencement and completion dates.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition for continuance of hearing now scheduled for April 11, to May 12, in re application for modification of C. P. to operate unlimited time.

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted petition to intervene in the hearing on the application of Martin K. Calaway and Harry S. Hooper for a C. P. to operate a new station at Marysville, Calif., on **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Patrick Henry Broadcasting Co., Martinsville, Va.—Granted petition for order to take depositions in re application for C. P. for a new station to operate on **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Thumb Broadcasting Co., Brown City, Mich.—Granted motion for order to take depositions and for amendment to motion for order to take depositions to add names of three witnesses.

KRKO—Lee E. Mudgett, Everett, Wash.—Ordered that depositions in the matter of the application of KRKO for renewal of license, assignment of license and C. P., and the application of Cascade Broadcasting Company, Inc., Everett, Wash., for C. P., be taken before M. H. Shindell, Notary Public, at the offices of the Federal Communications Commission, Federal Building, Seattle, Wash., beginning 10 a. m., PST, April 25, and continuing thereafter from day to day until concluded.

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—Denied as in cases of default the application for C. P. for a new station to use **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Applicant appeared by counsel when hearing was called on March 27, 1939, but offered no evidence in support of the application.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with station WBAX from 6 to 9:30 p. m., EST, on April 13, in order to broadcast programs of a civic, educational, and entertainment nature from 6 to 9:15 p. m., and political talks from 9:15 to 9:30 p. m.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with station WJBO from 4 to 6:45 p. m., CST, on April 5 and 6, in order to broadcast intercollegiate baseball games.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., April 9 to 1 a. m., AST, April 10, in order to broadcast a program presenting the "CASINO DE LA PLAYA" Orchestra.

KGCA—Charles Walter Greenley, Decorah, Ia.—Denied special temporary authority to operate under license granted March 6, for the period beginning April 1, and ending no later than April 30, pending KWLC's compliance with Rule 131.

NEW—Columbia Broadcasting System, Inc., Portable-Mobile (vicinity of Chicago).—Granted C. P. for new relay broadcast station frequencies of **1646, 2090, 2190** and **2830 kc.;** 50 watts. Also granted license to cover same.

NEW—WHP, Inc., Harrisburg, Pa.—Granted C. P. for new relay broadcast station; frequencies of **1606, 2022, 2102** and **2758 kc.,** 40 watts.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted modification of C. P. authorizing local changes in transmitter location, change in equipment and installation of a vertical radiator; also, extension of commencement date to 10 days after grant and completion date to 30 days thereafter.

W3XC—WGAL, Inc. (Lancaster, Pa.), Portable-Mobile.—Granted C. P. to make changes in equipment and increase power of relay broadcast station to 10 watts. Also granted license to cover same.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover C. P. authorizing changes in equipment.

W7XDA—KUJ, Inc., Walla Walla, Wash.—Granted license to cover C. P. for relay broadcast station; frequencies of **31100, 34600, 37600** and **40600 kc.,** on an experimental basis only, conditionally; 7.5 watts.

NEW—South Carolina Broadcasting Co., Inc. (Charleston, S. C.), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies **31100, 34600, 37600** and **40600 kc.,** on an experimental basis only, conditionally; 10 watts.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted modification of C. P. approving transmitter site and installation of vertical radiator, and authority to make changes in equipment.

WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Granted modification of license to change name of licensee from Peoples Pulpit Assn., to Watchtower Bible and Tract Society, Inc.

KFGQ—Boone Biblical College, Boone, Ia.—Granted extension of special temporary authority to operate from 4 to 5 p. m., CST, on the following Wednesdays: April 5, 12, 19, 26, and May 3, in order to broadcast children's service.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, on April 7, 14, 21 and 28, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.

WMRO—Martin O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (April, 6:30 p. m., CST), to 9 p. m., CST, on April 4, in order to broadcast election returns.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, April 16, 23, 30 and May 7, in order to broadcast feature by the N. Y. Philharmonic Symphony Orchestra and a special religious talk by Rev. Coughlin, also to operate from 2 to 3 p. m., EST, Fridays, April 21, 28 and May 5 and 12, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and the American School of the Air.

NEW—City of New York, Municipal Broadcasting System, Portable-Mobile in area of New York City.—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150** and **2790 kc.**, 3 watts, A-3 emission.

NEW—City of New York, Municipal Broadcasting System, Portable-Mobile in area of New York City.—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150** and **2790 kc.**, 3 watts, A-3 emission.

W8XKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to move transmitter from Pittsburgh, Penna. to Springfield, Mass., install new transmitter, change frequency from **31600, 35600, 38600** and **41000 kc.** to **42600 kc.**, increase power from 50 watts to 1 KW and change emission to special for frequency modulation.

W9XXL—Ashland Broadcasting Co., Ashland, Ky. (Portable-Mobile).—Construction permit for reinstatement of relay broadcast station (experimental) on **31100, 34600, 37600, 40600 kc.**, 10 watts, A-3 emission.

WAVB—Vee Bee Corporation, Portable-Mobile in area of Portsmouth, Ohio.—Modification of construction permit for new relay broadcast station requesting changes in equipment and reduce power from 35 watts to 25 watts.

WNEI—Indianapolis Power and Light Co., Portable-Mobile in area of Indianapolis, Ind.—Construction permit for new transmitter and reduce power from 1.5 watts to .15 watts.

KAOE—KFNF, Inc., Portable-Mobile in area of Shenandoah, Iowa. —License to cover construction permit for new relay broadcast station.

KAOF—KFNF, Inc., Portable-Mobile in area of Shenandoah, Iowa. —License to cover construction permit for new relay broadcast station.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new television station to be operated on **60000-86000 kc.**, power of 1 KW, A3 and A5 emission.

NEW—H. E. Studebaker, Portable-Mobile in area of Lewiston, Idaho.—Construction permit for new relay broadcast (experimental) station using the equipment of W7XDA on **31100, 34600, 37600** and **40600 kc.**, 7.5 watts power and A-3 emission.

W6XAC—Salt River Valley Broadcasting Co., Portable-Mobile in area of Phoenix, Ariz.—License to cover construction permit for new relay broadcast (experimental) station.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period April 6 to May 5, in order to broadcast certain educational programs.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU, with reduced power of 250 watts, from 7 to 7:45 p. m., CST, on April 5, in order to broadcast foreign program (Roy Howard reporting international situation).

KFRU—KFRU, Inc., Columbia, Mo.—To operate simultaneously with WGBF with reduced power of 250 watts from 7 to 7:45 p. m., CST, on April 5, in order to permit station WGBF to broadcast foreign program (Roy Howard reporting international situation), in Evansville.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays, April 17 and 24, and May 1 and 8, in order to broadcast special programs from La. State Univ. and special addresses by the President and members of the faculty of that Univ.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to rebroadcast in connection with special Army Day program, the transmission from Army aeroplanes flying over Wright Field at Dayton, using regular army communications equipment and frequencies from 3:15 to 3:30 p. m., EST, on April 6.

So. Car. Broadcasting Co., Inc., Charleston, S. C.—Granted special temporary authority to operate station W4XBK, the high frequency relay broadcast station licensed to station WIS, during the week beginning April 9, and ending in no event later than April 16, in order to pick up and rebroadcast over WCSC, descriptions of Sail Boat Race Regatta and other features in connection with annual Azalea Festival.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XCJ authorized by modification of C. P., on frequency of **43000 kc.**, with power not to exceed 100 watts, for the period April 10 to May 9, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400 ft. mast.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—C. P. to install new transmitter and antenna; increase power from 1 KW to 5 KW; move transmitter from Physics Bldg., O. S. A. C., Corvallis, Ore., to near Corvallis, Ore. Amended to make changes in transmitting equipment and antenna, and move transmitter from Corvallis, Ore., to Granger, Ore.

570 Kilocycles

WOSU—Ohio State University, Columbus, Ohio.—Modification of license to increase power from 750 watts night, 1 KW day, to 1 KW day and night.

580 Kilocycles

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—License to cover construction permit as modified for new transmitter, move of transmitter and antenna changes.

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—License to cover C. P. (B4-P-1856) as modified for equipment changes and move of transmitter and studio.

740 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—License to cover construction permit as modified (B4-MP-730) for move of transmitter and studio.

880 Kilocycles

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P. install new transmitter, directional antenna for day and night use; increase power from 500 watts, 1 KW LS, to 1 KW, 5 KW LS; move transmitter from Capitol and Washington Sts., Iowa City, Iowa, to Iowa City, Iowa. Amended: antenna changes.

1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Modification of C. P. (B4-P-1928) for new equipment and increase in power, further requesting new transmitter, extend completion date 180 days after grant.

1110 Kilocycles

WRVA—Lerus & Brother Co., Inc., Richmond, Va.—License to use old W.E. D-94992 transmitter as an auxiliary transmitter for emergency use only.

1190 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—License to cover construction permit for equipment changes, move of transmitter, change in frequency and power, and unlimited hours of operation, using directional antenna.

1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Construction permit to make changes in equipment.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Construction permit to make equipment changes and increase power from 100 watts to 100 watts night, 250 watts day.

WABI—Community Broadcasting Service, Bangor, Maine.—C. P. to install new transmitter, directional antenna for night use; change frequency from **1200 kc.** to **560 kc.**; increase power from 100 watts, 250 watts LS, to 1 KW.

1210 Kilocycles

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modifications of license to change hours of operation from daytime to unlimited, using 100 watts power.

WRAL—Capitol Broadcasting Co., Raleigh, N. C.—License to cover C. P. (B3-P-1705) as modified for a new station.

WGNY—Peter Goelet, Newburgh, N. Y.—License to cover C. P. (B1-P-1822) as modified for changes in frequency, hours of operation, increase in power, and equipment changes.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Voluntary assignment of C. P. to Capital Broadcasting Co., Inc. Amended to change to assignment of license.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW.

1370 Kilocycles

KAST—Astoria Broadcasting Co., Astoria, Ore.—License to cover C. P. (B5-P-1894) as modified for equipment changes, change in frequency, power and time, and move of transmitter.

NEW—George Penn Foster, Maxwell Kelch, and Calvert Chas. Applegate, d/b as Las Vegas Broadcasting Co., Las Vegas, Nev.—Construction permit for new broadcast station to be operated on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

1410 Kilocycles

NEW—The Mayflower Broadcasting Corporation, Boston, Mass.—C. P. for new station on **1410 kc.**, 500 watts, 1 KW LS, unlimited time, facilities of WAAB.

1420 Kilocycles

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz. —C. P. for new station on **1420 kc.**, 100 watts, S.H. (7 a. m. to 2 p. m., 6 p. m. to 10 p. m.).

NEW—Samuel M. Emison, Vincennes, Ind.—Construction permit for new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time.

WGNC—F. C. Todd, Gastonia, N. C.—License to cover C. P. (B3-P-1977) for a new station.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C. —Construction permit to install new transmitter and antenna, increase power from 1 KW to 1 KW night and 5 KW daytime, and move transmitter locally.

1480 Kilocycles

KOME—Harry Schwartz, Tulsa, Okla.—Voluntary assignment of license to Oil Capitol Sales Corporation.

1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 100 watts night, 250 watts day.

KNEL—G. L. Burns, Brady, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power night.

MISCELLANEOUS

WAOE—Martin R. O'Brien, Portable-Mobile in area of Aurora, Ill.—License to cover construction permit for new relay broadcast station.

W9XEG—Martin R. O'Brien, Portable-Mobile in area of Aurora, Ill.—Modification of construction permit for new relay broadcast (experimental) station requesting changes in equipment.

KBOL—Woodmen of the World Life Insurance Society, Portable-Mobile in area of Omaha, Nebr.—License to cover construction permit for new relay broadcast station.

W4XD—WPTF Radio Co., Portable-Mobile in area of Raleigh, N. C.—Construction permit for changes in equipment and reduce operating power from 15 watts to 2 watts.

W4XD—WPTF Radio Co., Portable-Mobile in area of Raleigh, N. C.—License to cover above construction permit (B3-PRE-248).

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Aero Industries Technical Institute, Inc., which conducts a vocational school in modern aircraft construction and allied fields, with its principal office and place of business in Los Angeles, is charged in a complaint with misrepresentation in advertising its home study or correspondence courses. (3750)

Art China Company—See Majestic China Company, Inc.

Commonwealth Manufacturing Corporation, 4208 Davis Lane, Cincinnati, manufacturer and distributor of welding machines, is charged in a complaint with misrepresentation in newspaper and other advertising matter of the character, utility and merit of its device.

The Aladdin welder, advertised as a 90-pound professional welding machine, is represented, the complaint alleges, as being capable of welding as strongly, durably and economically as machines costing $2000 to $3000. Among other representations of the respondent cited in the complaint are that the "Aladdin will pay for itself on the first few jobs you do with it" and that "With your Aladdin you can become a master welder, with a well paid trade, sure of steady employment anywhere." The complaint charges that these statements are deceptive and misleading. (3745)

Danson Laboratories—Dan M. Thompson, doing business as Danson Laboratories and Thompson Laboratories, 32 North State Street, Chicago, is charged in a complaint with misrepresentation in advertisements of "Danson Formula," an alleged sure cure for alcoholism. The complaint says that in advertisements in newspapers and elsewhere the respondent has represented that he conducts a laboratory and that the Danson Formula is a competent and effective treatment for alcoholism. The complaint alleges that these representations are false and misleading. (3752)

Elmo, Inc.—A complaint previously issued against Elmo, Incorporated, Philadelphia cosmetics manufacturer, and its sole distributor, Elmo Sales Corporation, has been amended.

The original complaint charged these corporations with violation of Section 2 (e) of the Robinson-Patman Act by furnishing the mercantile establishments of some of their purchasers at the respondents' expense with the services of demonstrators of the respondents' toilet preparations, without at the same time according services of the demonstrators to other purchasers on proportionately equal terms. These practices also constituted unfair competition in violation of Section 5 of the Federal Trade Commission Act, it was charged.

Under the amended complaint similar violations are charged, and in addition it is alleged that, in violation of the Federal Trade Commission Act, the respondents' plan of furnishing demonstrators is deceptive to the public and has a tendency to lend itself to misrepresentation of competitors' products and the substitution of the respondents' products therefor in sales, and to place in the hands of unscrupulous dealers an instrumentality for fraud and deception.

The amended complaint points out that personnel furnished to merchants by the respondents are able to stress the merits of the respondents' products as against competing preparations and that they depend solely for continuance in employment upon adequate sales of the respondents' products. Buyers relying on the expert advice of the demonstrators are unaware that they are employed not by the merchants in whose stores they appear but by the respondent cosmetic companies, it is alleged. (2974)

Elmo Sales Corporation—See Elmo, Inc.

J. C. Field & Son—See Progress Tailoring Company.

Hershey Creamery Company—See Illinois Baking Corporation.

Kastar Specialty Manufacturing Company, Inc., 510 Sixth Avenue, New York City, is charged in a complaint with misrepresentation. In advertisements and other printed matter the corporation, which sells and distributes automobile accessories and specialties, allegedly represents itself as being a manufacturer of the articles it distributes. The complaint charges that the merchandise is made and manufactured in plants and factories neither owned nor controlled by the respondent. (3746)

Lambert Pharmacal Company, St. Louis, is charged with violation of the Robinson-Patman Act in connection with the sale of Listerine and allied products under a complaint.

To certain favored customers the respondent is alleged to allow percentage rebates based on monthly purchases, in addition to regular trade discounts granted all customers. It is alleged that such favored customers in turn furnish the respondent with advertising, selling or warehousing facilities and place orders for a minimum amount of Lambert products.

It is alleged that the rebates are not allowed to the respondent company's other competing customers on proportionally equal terms, and that this violates Section 2 (d) of the Act which prohibits payments to or for the benefit of customers of anything of value as compensation for services or facilities furnished by or through such customers in connection with the processing or sale of commodities manufactured or sold unless the payments are made on proportionally equal terms to all other competing customers. (3749)

Majestic China Company, Inc., Art China Company, and Herman Siegel, Sigmund Gladstone and John Lindsey, sometimes known as Jack Lindsey, individually and as officers and employees of the Majestic China Company, Inc., and trading as Art China Company, and John H. Feinne, individually and as an officer of Majestic China Company, Inc., and trading as Windsor China Company, all of South Bend, Ind., are charged in a complaint issued with misrepresentation and with making disparaging statements concerning competitors.

Chinaware sold by respondents to retailers with sales stimulator plans, to be distributed by retailers as premiums, was falsely advertised and described as superior to that of competitors, according to the complaint. The respondents also, the complaint continued, falsely represented that they or some of them operated or controlled a pottery or factory located at Sebring, Ohio, and that Majestic China Company, Inc., maintained a branch warehouse at South Bend. (3748)

Progress Tailoring Company—A complaint has been issued charging Progress Tailoring Company, trading as J. C. Field & Son, Chicago, and four subsidiaries with misrepresentations in the sale of men's clothing.

Although allegedly advertising that they would give a free suit to agents who would sell their products, the respondents did not supply a suit free, according to the complaint, but required certain services and the sale of several suits before delivering the so-called free clothing. Such requirement was not disclosed in the initial advertisements, according to the complaint.

The four subsidiary companies are charged with falsely advertising that they are tailoring companies maintaining their own personnel, and three of the companies are alleged to exaggerate the extent of their businesses and to imply that they are manufacturers when in fact they are only sellers.

Progress Tailoring Company is alleged to misrepresent that it is exclusively a wholesale tailor. The complaint points out that this concern does not sell at wholesale or at a saving to the consumer of retailer costs and profits. (3747)

Sommers & Company—See Wholesale Dry Goods Institute, Inc.

Superyarn Company—Adolph Friedman, trading as Superyarn Company, located at 353 Grand St., New York, and engaged in the business of selling and distributing textile fabrics and knitting yarns, is charged in a complaint with falsely representing the constituent fiber or material of which the various products distributed by him are composed, by means of false representations on labels attached to his products and in various advertising matter, and by failure to disclose the rayon content of certain of his products. (3753)

Thompson Laboratories—See Danson Laboratories.

Wholesale Dry Goods Institute, Inc., its officers, directors and members, with headquarters at 40 Worth Street, New York City, whose membership includes approximately 135 individuals, co-partnerships and corporations engaged in the wholesale distribution of dry goods, notions and kindred lines throughout the United States, is charged in a complaint with acts and practices tending to prevent competition and create a monopoly within the meaning of the Federal Trade Commission Act.

Henry S. Sommers of Sommers & Co., St. Paul, and Henry Matter and Jarrett H. Buys, of New York City, are officials of the Institute and its directorship includes executives of a score of prominent wholesale firms throughout the country. The Wholesale Dry Goods Institute was organized, the complaint alleges, for the ostensible purpose of improving trade practices within the wholesale field, furthering better trade relations between wholesalers and other elements of the textile industry, studying and adapting merchandising methods to new economic conditions, analyzing operating costs and allocating sales efforts.

It is alleged that the Institute and its members, under an agreement, combination and conspiracy, has prepared and distributed a directory containing the names of approximately 1400 individuals, co-partners and corporations, which the Institute considers meet its definition of wholesalers.

It is alleged that under the agreement the Institute from time to time has compiled a list of manufacturers of dry goods, notions and kindred merchandise in which all the manufacturers are classified. The highest classification is given those manufacturers who confine their sales to wholesalers; in the lowest grade are placed manufacturers who sell also to chain stores, syndicates and retail stores without maintaining any differential in price. This list, the complaint charges, is revised from time to time and manufacturers listed in it are reclassified according to their current selling policies. (3751)

Windsor China Company—See Majestic China Company, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Aronson-Caplin Company—Misrepresentation of the fabrics contained in women's garments is prohibited under an order to cease and desist issued against Aronson-Caplin Company, Inc., 148 Madison Avenue, New York.

In the sale of women's lingerie, including slips and nightgowns, the respondent is prohibited from using the term "pure dye" or other terms of similar meaning to designate fibers or fabrics or other products which are not composed wholly of unweighted silk, and from using the words "satin" or "taffeta" or others of similar import to describe any fabric or product not made wholly of silk, unless the descriptive words are truthfully employed to designate the type of weave, construction or finish. In that case such words are to be qualified by explanations clearly describing the fibers or materials from which the fabric or product is made. (3649)

W. H. Comstock, Ltd., whose principal office and place of business is in Brockville, Ontario, with a branch office in Morristown, N. Y., has been ordered to cease and desist from misrepresentations in the sale and distribution of Comstock's Dead Shot Worm Pellets and Comstock's N and B Liniment, medicinal preparations.

The respondent is ordered to cease representing that the worm pellets preparation is unfailing in its action in the treatment of worm infection and that the liniment preparation has a therapeutic value in the treatment of rheumatism, lumbago, or neuralgia, or that it has a therapeutic value in the treatment of chest colds or muscular pains of the human body other than as a counter-irritant for muscular pains due to minor conditions, such as excessive exercise or fatigue. (3650)

Greater Chambers Company—William W. Chambers, trading as The Greater Chambers Company, Washington, D. C., has been served with an order requiring him to cease and desist from misleading representations in the sale of caskets, vaults or undertaking facilities.

In the sale of these products, the respondent, it was found, represented that certain facilities and merchandise were furnished free; that he provided a $500 funeral for $265, a $300 funeral for $165 and a regular $150 funeral for $75, and that the prices charged for complete funerals represented a saving and discount to the purchaser.

It was also found that the respondent represented that burial vaults sold by him for $85 were of $150 value and were waterproof and airtight and would serve the purposes of a mausoleum because of the nature of their construction.

Findings are, however, that the respondent did not furnish any articles or facilities free, but the prices thereof were included in the prices charged on the purchase of a casket or other similar merchandise, and that the respondent did not furnish funerals of the value represented at a reduction in price because the prices charged were the usual, customary prices.

The order directs the respondent to discontinue representing as customary and usual certain prices and values which in fact are fictitious and greatly in excess of the regular prices; to cease advertising certain prices as constituting a saving or discount to the purchaser when in fact they are the usual prices, and to desist from employing the word "free" to designate articles or facilities regularly included in a combination offer with caskets or other similar merchandise. (3035)

Hershey Creamery Company—See Illinois Baking Corporation.

Illinois Baking Corporation, Chicago, and Hershey Creamery Company, Harrisburg, Pa., have been ordered to cease and desist from the use of lottery methods in connection with the sale of ice cream cones and frozen confections, respectively, to dealers or ultimate consumers.

Illinois Baking Corporation, it was found, manufactures ice cream cones which it sells to wholesalers and jobbers for resale to retailers. "Safe-T Cones" are shipped in packages containing 250 cones. With each package is enclosed a coupon on the corners of which are one of the letters in the words "Safe-T Cones." Retail dealers obtaining a collection of coupons, the letters on which spell the words "Safe-T Cones," receive from their jobber 1,000 additional cones without extra cost, according to findings.

Hershey Creamery Company, it was found, sells to dealers assortments consisting of several frozen confections known as "Fudgicle" and "Banjo," packed separately in paper bags and sold for 5 cents each. According to findings, the purchaser who receives a confection, the handle of which bears a concealed phrase, such as "Return this stick for free Fudgicle," receives an additional confection without extra cost. (3495-3700)

Lanteen Laboratories, Inc.—An order has been issued prohibiting misrepresentation in the sale of so-called feminine hygiene preparations and appliances. Respondents are Lanteen Laboratories, Inc., Lanteen Medical Laboratories, Inc., which also trades as Medical Bureaus of Information, and Rufus Riddlesbarger, who controls the business of the two Lanteen companies, all of Chicago.

Selling jellies, capsules, powders, liquids and diaphragms, under the general trade name of Lanteen, the respondents are directed to cease representing that any of their preparations or appliances, used alone or with other preparations or appliances, forms a competent preventative of ill health, has beneficial therapeutic value, or will prevent conception.

Under the order, these preparations and appliances are not to be represented as being tested and approved by an independent, nonprofit organization devoted to scientific research on women's diseases and prevention of conception, or as being prepared, designed or approved by members of the medical profession, when these are not the facts. (3051)

Medical Bureaus of Information—See Lanteen Laboratories, Inc.

Traffic Inspectors Training Corporation, Syracuse, N. Y., selling a correspondence course for persons who desire to become traffic inspectors or checkers, was served with an order prohibiting misleading representations in the sale of its course. Frank J. Kavanagh and Charles Van Buren, officers, are included as respondents.

Among representations prohibited are the assertions that trained men and women are constantly needed as traffic inspectors; that the field is new and uncrowded; that positions are guaranteed because of the respondents' connections with railroad companies; that the course can be completed in three months or less and that students can obtain jobs and earn salaries prior to completion of the course. (3562)

STIPULATIONS

The Commission has entered into the following stipulations:

American Landscape School, Des Moines, Iowa, agreed to cease advertising that its course can be mastered by anyone; that it is the most complete authoritative or readable course on this subject and provides the shortest and surest way to success.

Under its stipulation, the respondent will no longer represent that students will receive personal or individual criticism, unless this is actually a fact, or that students will, after completing the course, be able to start in the landscape business as seasoned professionals.

Other misleading representations to be discontinued are that there is a big demand in this field for trained men and women, unless and until this is a fact; that the standards of the American Landscape School are accredited by authorities as the highest in the world and that the school provides the most liberal terms ever offered for nationally recognized training in landscape architecture. (02349)

Amos Hosiery Mills—Robert T. Amos, trading as Amos Hosiery Mills, High Point, N. C., agrees to cease using:

(1) As a stamp or brand for hosiery the designation "silk-rayon," alone or in conjunction with other words as purportedly descriptive of hosiery not composed throughout of such fibers or of hosiery the top, heel and toe of which are composed of other material. If the boot or leg is composed of a combination of rayon and silk, each in substantial quantity, but the top, heel and toe are made of other material and the words "rayon" and "silk" are employed to describe the rayon and silk content, they shall be arranged in the order of their predominance by weight and accompanied by suitable language clearly indicating that the designation does not apply to top, heel and toe.

(2) The word "wool" (a) in connection with the phrase "cotton and rayon" or other words as descriptive of hosiery not containing wool in substantial part, and (b) as descriptive of hosiery containing wool mixed with other fibers, when, due to over-emphasis of the word "wool," the tendency is to convey the impression that a greater proportion of that fiber is present than actually is the fact.

The stipulation provides that if the hosiery is composed of a mixture of fibers, as cotton and rayon, and of wool in a known amount of five per cent by weight or less, and the word "wool" is used to refer to such known wool content, then it shall be immediately accompanied by suitable disclosure of the amount of wool actually present and by the names of the other constituent fibers in the order of their predominance by weight, such as "cotton, rayon, and 3 per cent wool." (2328)

Biovegetin Products, Inc., trading as V. M. Products, Chicago, Ill., agrees to desist from advertising that scientists agree that a few of the respondent's Vi-Donna Capsules are sufficient to supply the body's need for Vitamin E; that the product will prevent sterility and incapacity for reproduction and that it is manufactured by the respondent, unless, in the latter instance, the respondent actually owns, maintains or operates a factory wherein the preparation is made. (02348)

Clark-Millner Company, 450 West Superior St., Chicago, will discontinue advertising its product Hide-It as the original waterproof blemish cream, the respondent admitting that its preparation was not the first product of its kind to be marketed as a waterproof blemish cream. (02352)

College of Intellectual Science, Des Moines, Iowa, agreed to discontinue advertising that its instructions are new or startling or reveal hidden secrets; that they will enable students to use the forces of creation to realize their dreams or attain or insure success, master their own fates or shape their own futures. The respondent also agreed to discontinue unwarranted use of the name Edison in a manner implying that Thomas A. Edison was interested in the establishment of its course.

The use in its corporate or trade name of the word "College", either with or without the words "Intellectual Science", will be discontinued, under the stipulation, and the respondent will cease referring to its organization as a "correspondence school". The stipulation points out that the respondent's school has neither the curriculum nor the qualifications to be designated as a college nor is it a correspondence school. (2418)

Cooper Wells & Co., St. Joseph, Mich., agrees to cease using:

(1) The word "silk" in any way to imply that its hosiery or the surface or any designated part thereof is made wholly of silk, when such is not a fact.

(2) The phrase "pure silk surface" so as to imply that hosiery has an ornamental facing or surface of pure silk over a fabric other than pure silk, when such is not a fact.

(3) The phrases "silk and rayon" or "rayon and silk" as descriptive of hosiery not composed throughout of the named fabrics, and the phrase "silk and rayon" in any manner implying that the silk content is equal to or greater than the rayon content, when such is not a fact. In a mixed fabric the fibers shall be named in the order of their predominance by weight.

(4) The words "silk", "rayon silk", or "silk and rayon" to describe hosiery not composed throughout of the named fibers, or hosiery the top, heel and toe of which are composed of other material. If the boot or leg is properly represented as "silk", "rayon and silk" or "silk and rayon", but the top, heel and toe are made of other material, the designating language shall clearly indicate the differentiation. (2322)

Crescent Knitting Company, Statesville, N. C., stipulates that it will discontinue employing:

(1) The names of designated fibers, as "cotton, rayon, silk", as being purportedly descriptive of products not composed throughout of all such fibers or as descriptive of hosiery the top, heel and toe of which are composed of other materials. If the boot or leg is properly represented as "cotton, rayon, silk", but the top, heel and toe are of other materials, then properly qualifying language is to be used.

(2) The word "wool" as descriptive of men's hosiery in a manner implying that it is composed entirely or in substantial part of that material, when such is not a fact. If the product has a known wool, rayon, or other fiber content of 5 per cent or less by weight, and the name of the fiber is used to describe such content, such name shall be accompanied by suitable disclosure of the amount of the fiber actually present in the article, as for example, "3 per cent wool", "5 per cent rayon". (2325)

Mary Dunhill, Inc.—See Lord & Taylor.

Electric Razor Products, Inc., 6537 Russell St., Detroit, selling the Cadillac Electric Dry Shaver, stipulated that in its efforts to obtain agents to sell its product it will cease making unmodified representations or claims of earnings in excess of the average earnings of its active fulltime salespersons under normal business conditions, and will discontinue advertising that its razor is the lowest in price or is higher in quality than other makes, or that General Devices Company is a $25,000,000 industry. (02347)

Flexible Printing Company, Inc., 706 Sixth Ave., New York, in the sale of cards and stationery, stipulates that it will cease use in advertising matter of the words "engraved" or "engraving", alone or in connection with the word "process", in a manner implying that its products are made by engravers employing the process of producing impressions from inked, engraved plates, when this is not a fact. It is pointed out that the respondent's process comprises a powdering and heating application which produces a raised, glossy effect imitating plate engraving work. (2424)

Franklin Tailoring Company, trading also as Jackson Tailoring Company, 330 South Franklin St., Chicago, agreed to discontinue designating, describing or representing as "wool", "all wool", or "woolen" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing, when such fabrics are not composed wholly of wool, etc., or representing or describing as "wool", "all wool" or "woolen" any fabric made partly of wool and partly of cotton, silk, rayon, linen or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent will also cease representing that certain of its suits are free to sales agents when in fact they are bought and paid for by services the agents perform. (02343)

Healing Ministry—Selling a correspondence course called The Christly Method of Healing, John Kegell and Jessie Kegell, of Asheville, N. C., who are in business under the name The Healing Ministry, have entered into a stipulation to cease misleading representations.

In the stipulation the respondents agree to cease representing that they possess or can impart to others the knowledge, training and power to heal and cure disease or injury or give immunity to bad luck; that the respondents can teach purchasers of their course to perform miracles; that either of them have extraordinary or unusual qualifications, authority or power such as to enable them to prevent bad luck or protect persons from all forms of evil, and that the respondents have authority to award diplomas, titles or degrees. (02346)

H. I. Herzman, Inc., 325 West Adams St., Chicago, in the sale of handkerchiefs, will cease using on stationery and other printed or advertising matter the word "manufacturers" or the assertion "we manufacture" as descriptive of its business. The stipulation points out that the respondent company neither manufactures the products it sells nor owns or controls the plant in which they are made. The respondent also agrees to cease representing that it has a factory at Passaic, N. J., or maintains offices in Belfast or Brussels, in Puerto Rico or in Swatow, China, or elsewhere abroad, when this is not a fact. (2422)

Homeland Tailors, Inc., 2500 East Ashland Ave., Baltimore, agreed to discontinue and has discontinued designating, describing or representing as "wool" or "worsted" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing, when such fabrics are not composed wholly of wool, etc., or representing or describing as "wool" or "worsted" any fabric made partly of wool and partly of cotton, silk, rayon, linen or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent agreed also to cease and has ceased representing that it is a wholesale tailoring shop. (02355)

Chas. L. Huisking & Co., Inc., 155 Varick St., New York, selling Vitamine Brand Cod Liver Oil High Hatchability Special, and Vitamine Brand Cod Liver Oil Natural, agrees to cease advertising that its products have been endorsed by universities and agricultural experiment stations. The respondent admitted that they have not been so endorsed. Another representation to be discontinued is that it is imperative to feed cod liver oil to chickens, or that to do so will guarantee healthy egg-layers. (02353)

Lord & Taylor, a New York department store, and Mary Dunhill, Inc., New York, distributors of cosmetics, agreed in advertising their cream products to cease using the word "nourishing" so as to imply that their preparations, applied locally to the skin, will nourish or feed it, when such is not a fact. Mary Dunhill, Inc., agrees also to stop representing that use of its lotion and astringent products will correct acne or comprise a treatment for an acne condition of the skin, regardless of cause, and will discontinue printing on its labels the word "Paris" so as to imply that it has a Paris office, when such is not the fact. (2425 and 2426)

Lovely Lady, Inc., 333 North Michigan Ave., Chicago, stipulated that Lovely Lady Face Cream will not be advertised as capable of penetrating or "revitalizing" the skin, of ending a "false face" powdery look, or of causing women to appear years younger. The respondent agreed also to discontinue representing that Balmite is a new or scientific product or the base of Lovely Lady Face Powder, the stipulation pointing out that it is not such and that Balmite is the trade name of a zinc soap. (02351)

Peerless Hosiery Mills, Inc., Burlington, N. C., stipulates that it will desist from representing that its products are composed of fibers in any designated proportion, when such is not a fact, and agrees that in making disclosure of a mixed fiber content, each constituent fiber shall be named in the order of its predominance by weight, as, for example, "silk and wool", where the silk prevails.

The respondent agrees to cease using the phrase "genuine Irish linen reinforced" or any statement of similar meaning as descriptive of a product so as to imply that it is composed of linen or of a predominating linen fiber content reinforced by some other fiber, when such is not a fact.

The respondent further stipulates that it will desist from using the name of a fiber such as "rayon" as purportedly descriptive of men's hosiery not made throughout of that fiber or of hosiery the top, heel and toe of which are composed of other material. If the boot or leg is properly represented as "rayon", but the top, heel and toe are of other materials, then suitable qualifications shall be made. (2324)

Pierce-Airo, Inc., 436 Lafayette St., New York, manufacturing and selling DeWald and Motortone radio sets, agreed to cease the use in printed matter of the words "Pierce-Airo", either alone or in connection with an arrow, or of any other phonetic or correct spelling of the words "Pierce Arrow" so as to mislead purchasers of its sets into believing that they have been made by Pierce Arrow Motor Car Company, Buffalo, when this is not a fact. The respondent also agreed to cease misstating the number of functioning tubes in its sets. (2428)

M. Pressner & Company—Max and Emanuel Pressner, trading as M. Pressner & Co., 932 Broadway, New York, in the sale of sun glasses, agree to cease employing the phrases "Made in America" or "Made in America by American Workmen" in a manner implying that the products so advertised are composed entirely of American-made parts. The stipulation provides that if the sun glasses are composed only partially of American-made parts the phrase "Made in America" shall be accompanied by explanation that all the parts are not manufactured in this country. (2423)

B & N Remedy Company—Shirley L. DeArmond, trading as B. & N. Remedy Co., Knoxville, Tenn., in selling a laxated herb compound called B. & N. Tonic, agrees to discontinue advertising the preparation as a competent treatment for dizzy spells, stomach disorders, nervous dyspepsia and other ailments and to cease representing that the product is a tonic. The respondent admitted that his preparation is almost wholly a laxative and cannot be accurately described as a tonic. (02350)

Reuben-Richards Company, Inc., Brooklyn, N. Y., has entered into a stipulation to desist from misrepresentation with regard to a coloring material for treating noodles to give them the appearance of containing more egg ingredient than is actually present.

Respondent agrees to cease distributing the preparation "Richards Danish Vegetable Base—N—For Noodles" for use in noodles or related products in such manner as to imply to prospective purchasers or the consuming public that they contain egg in greater proportion than is present, and to discontinue representing that all Federal and State Pure Food laws permit the use of the product. (2419)

Rollins Hosiery Mills, Inc., Des Moines, Iowa, agrees to cease using in its catalogs, on labels and otherwise, the word "silk", alone or in connection with the phrase "pure thread" or with other words as descriptive of hosiery not composed of silk, or the phrase "silk and rayon" as descriptive of hosiery not composed throughout of a mixture of the named fibers, or of hosiery the top, heel and toe of which are composed of cotton or a material other than a mixture of silk and rayon.

The stipulation provides that if the leg or boot of the hosiery is properly represented as "silk", but the top, heel and toe are composed of other material, then the word "silk" shall be immediately accompanied by suitable phraseology in conspicuous type clearly indicating that such designation does not apply to the top, heel and toe. Also, when the words "silk and rayon" are accurately used to describe hosiery composed of such fibers, or any part thereof, the fibers shall be named in the order of their predominance by weight and with equal conspicuousness, as, for example, "rayon and silk", where the rayon predominates. (2321)

Ruby's Cosmetic Laboratories—James Benson and Ruby Allen Trimble, trading as Ruby's Cosmetic Laboratories, 1944 Jos. Campau Avenue, Detroit, agreed to cease advertising that Ruby's Bleaching Cream contains a vitamin and that due to this or any other content, the product locally applied will rejuvenate or vivify the skin, feed the underlying tissues or restore the firmness of youth. The respondents will cease representing Ruby's Straightening Oil or Ruby's Scalp Food Compound as being capable of increasing hair growth to any extent beyond natural growth and will discontinue use of the word "Laboratories" as part of their trade name, to imply that they operate or control laboratories, when such is not a fact. They will also cease asserting that their business is connected with a so-called beauty university. (2420)

Three Dreams Laboratories, Inc., and Golee B. Bryant, its secretary and treasurer, 2111 Clinton Street, Detroit, agreed to stop representing that their products branded Three Dreams are efficacious for beauty troubles generally or will keep a person lovely all the time or bring love, romance or popularity to the user. Use of the word "hair grower" in a manner implying that the product will cause hair to grow, or to grow long or beautiful, will be discontinued. The respondents will cease employing the word "Laboratories" in their corporate or trade name or in any way which may deceive buyers into believing that they own or control the laboratory or plant in which their preparations are made or compounded, when this is not a fact. (2427)

Varady, Inc., 427 West Randolph St., Chicago, will discontinue representing that any of its products, namely Varady Oil of Youth, Varady Face Cream and Varady Face Powder, constitute a cure for dry skin or permanently supply the skin with missing elements. The stipulation requires that the cream will not be advertised as capable of removing twice as much dirt as do all competing products or as being free from wax, and the respondent will discontinue asserting that any of its products eliminate wrinkles, regardless of cause, or will keep the skin young. (02356)

FCC Assignments For April

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF April
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Eugene O. Sykes
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Thad H. Brown
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Paul A. Walker
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Norman S. Case
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner T. A. M. Craven
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner George Henry Payne
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 15, April 14, 1939

Neville Miller Opens Joint Campaign

The first joint campaign in radio history gets under way this Sunday afternoon, when Neville Miller, president of the NAB, and Bond Geddes, executive vice president of the RMA, are interviewed in a "preview" discussion on the Magic Key program. (NBC-Blue, 2-3 P.M., EST.)

Meetings between broadcasters, retailers and wholesalers have taken place in 125 cities, laying a solid foundation for this campaign of goodwill, designed to promote the best interests of American radio via radio.

In addition to special programs by stations and networks, scores of members have reported speaking engagements at luncheon meetings and civic clubs in their listening area. To assist speakers, Headquarters last week published manuscript of a twenty-five minute speech entitled "What A Free Radio Means to America". Ed Kirby, NAB Director of Public Relations, who is coordinating the NAB-RMA campaign, is scheduled to address the Women's Forum in New York City on April 21, on the same subject.

While the transcription series which will be furnished non-network stations is still in production, the networks announced a comprehensive list of programs supporting the campaign in many diverse program areas. All transcription services have pledged complete cooperation and special institutional copy will come to member stations with current library releases, destined to further the four objectives of the campaign. Affiliated stations are asked to give widespread local publicity to those network NAB-RMA programs. The schedule appears in another part of the REPORTS.

FREE OFFERS

Several weeks ago, Metro-Goldwyn-Mayer sent broadcasters a script, intended to be read as news, in which the film firm stated that it was going to spend $2,500,000 in advertising next season's pictures in newspapers, magazines, direct mail, billboards and trade journals. *Not a dime for radio.*

J. K. Kennelly, manager of Station KGCU, Mandan, North Dakota, addressed the following letter to M-G-M:

"This radio station is in receipt of continuity which is labeled 'Exclusive for Radio Broadcasting,' and in the first part of this eleven page story you state that two and one half million dollars will be spent in newspaper, magazine, direct-by-mail, billboards, and trade journals, but nothing about any radio advertising.

"Don't you think that the radio stations have been giving your industry plenty of free advertising, and you are still asking for more without giving them a break on some of the money that is to be spent.

"We are just a small station out here in North Dakota, but two of the owners of this station are interested in seven moving picture theatres, and I think that we have a right to express our opinion on this deal.

"Why don't you be fair with the radio stations and spend some of this two and one half million dollars with them in advertising?

"I would appreciate hearing from you on this matter."

Harry Maizlish, General Manager, KFWB, Warner Brothers station in Hollywood, has advised the NAB

(Continued on page 3414)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FREE OFFERS

(Continued from page 3413)

that the Warner Brothers' transcription series entitled, "America Marches On," offered to broadcasters for free use, "is absolutely non-commercial."

"The purpose behind the program is to contrast the living conditions in our democracy with the conditions in Fascist ruled countries with a view toward preserving our democracy from the Fascist elements seeking to destroy it in this country," Mr. Maizlish added. "The programs have claimed some of the highest paid actors in the industry who have taken part in these programs voluntarily. The top-notch writers and producers have been responsible for its production and this radio series has, all in all, had the utmost cooperation from every studio in Hollywood * * *

"There are no 'plugs' for Warner Brothers or for anyone else, included in the program."

The NAB has asked the Borden Company whether it thinks a few cans of Eagle Brand Milk are adequate compensation for advertising that brand in radio cooking schools, as the company has suggested.

The radio director of the Seventh World's Poultry Congress has been advised that the broadcasting industry will handle news of the Congress on the basis of merit but that "plugs" will have to be paid for.

Lucien Lelong, Inc., perfume manufacturer, and the Flower Industries Council, New York, tried to chisel a little free time just before Easter. The NAB has suggested to each that they undertake a regular radio advertising campaign. The same suggestion was made to G. and C. Merriam Company, Springfield, Massachusetts, publishers of Webster's dictionaries, who sent out a script plugging their publications under the guise of an audience participation game.

Radio Tradeways, Inc., Chicago, admits that its Father Flanagan "Made in Boys' Town" transcription series aims to get publicity for Father Flanagan's "worthwhile project" via the "free ride" route. Stations are free to sell this series.

At least one station has been approached by Coe, Guy and Walter, Inc., Chicago agency, with what amounts to a percentage proposition for the Skrudland Photo Finishing Company and a straight percentage proposition for the Neverlift Company (iron rests).

The Gamble Stores, Inc., with headquarters in Minneapolis, has asked Middle Western stations to use a "bicycle safety" script which apparently is intended, among other things, to bring more bicycle riders to the store for new equipment. The NAB has advised the Gamble Stores that any station which thought a bicycle safety campaign would be in the public interest would arrange its program with the help of local police and needed no help from anyone commercially interested.

"ABC" PRICE REDUCED FOR NAB-RMA CAMPAIGN

Because of the great demand created by the NAB-RMA campaign for extra copies of "The ABC of Radio," Headquarters is able to announce a drastic reduction in the cost of these. Members may now place their orders at the following reduced prices: For quantities in lots of 500 or more at seven cents (7¢) per copy; in lots of less than 500, at eight cents (8¢) per copy.

The fourth volume of the NAB News Review, dated April 17, is now ready for distribution. This booklet is published six times a year. The entire series of six is available at the following prices: 50 copies @ $10.00; 100 copies @ $19.00; 150 copies @ $27.50; 200 copies @ $36.00.

Legal

INTERNATIONAL COPYRIGHT UNION

The Senate Committee on Foreign Affairs has reported favorably without amendment United States adherence to the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928. This action was taken April 11, and the report has been placed on the executive calendar of the Senate. Ratification by the Senate automatically will bring under the copyright laws of the United States a large quantity of musical compositions which heretofore have not enjoyed copyright protection in this country. The State Department has been endeavoring to obtain ratification of the Convention for a number of years as a part of its foreign trade relations program, but heretofore the Senate has refused to ratify until amendments to the federal copyright law are passed which would bring the copyright law into conformity with the provisions of the International Convention. Because of the need for copyright legislation before adherence by the United States, the action of the Senate Foreign Relations Committee in rendering a favorable report was unexpected. The question is now before the Senate for action by that body.

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PRIZE CONTESTS

Senator Nye of North Dakota has introduced a bill (S. 2058) which would require publication or other suitable public announcement in connection with prize contests of the name of each winning contestant and the entries submitted by each such contestant. The bill does not refer to radio broadcasting by name but refers to advertisement of such contests in newspapers, magazines, periodicals or other publications transported in interstate or foreign commerce and then includes "any other facility or instrumentality of interstate or foreign commerce."

The bill provides that the publication or public announcement of the prize winner's name and the prize winning entry shall be "in such manner as is adequate for the information of the public." If the bill becomes law, prize contests in broadcasting programs will come within the provisions of the bill. The bill makes violation a misdemeanor.

BILLS AFFECTING BROADCASTING

CONGRESS

S. 2058 (Senator Nye, North Dakota) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to the Committee on Post Offices and Post Roads.

STATE LEGISLATION

Arkansas:

H 592 (Smith) ADVERTISING—GIVING OF PRIZES—To amend Section one of Act No. 238 of the Acts of 1937, entitled: "An Act to regulate and tax the medium of business advertising of giving away prizes of money or other thing of value, designating duties of the Commissioner of Revenues hereunder and for other purposes. Referred to Revenue & Taxation Committee.

H 648 (Weisenberger) TAXATION—ADVERTISING—PRIZES—To give cities and towns the right to prohibit, regulate and/or tax the medium of business advertising by giving away prizes of money or other thing of value. Referred to Calendar Committee.

California:

A 1796 (Burns) COSMETICS—To prevent the sale of adulterated, mislabeled or misbranded cosmetics and complexion soaps. Referred to Manufacturers Committee.

Colorado:

H 576 (Dameron) MONOPOLISTIC ABUSE—A bill for an act in aid of the Federal copyright laws to assist in their enforcement . . . by removing and declaring illegal certain monopolistic abuses . . . practiced under the guise of copyrights . . . by price fixing combinations, monopolies and combinations in restraint of commerce and trade. Referred to Mercantile & Manufacturing Committee.

Michigan:

S 422 (Flynn) SHORT WAVE RADIOS IN CARS—Relating to the operation of short wave radios in autos. Referred to State Affairs Committee.

Montana:

S 174 (Waldrop) DECEPTIVE ADVERTISING—Prohibiting and penalizing deceptive advertising. Referred to Judiciary Committee.

S 204 (Swertelle) LOTTERIES—Proposes to amend the Constitution as to lotteries. Referred to Constitutional Amendments Committee.

New York:

S 1850 (Phelps) TAXATION—Strikes out the five per cent tax on total gross receipts from boxing, sparring or wrestling exhibitions and substitutes a five per cent tax on the admission price of all tickets sold or otherwise disposed of and a five per cent tax on gross income from sale of broadcasting, motion picture and television rights. Referred to Finance Committee.

Ohio:

H 455 (Culp) MUSIC COPYRIGHT—Restricts the power of owners of copyrighted music over public entertainments by requiring copies of all contracts to be filed with the secretary of state. Referred to Codes Committee.

Pennsylvania:

H 139 (Skale) PROPAGANDA—Making it a misdemeanor to disseminate, circulate, exhibit or publish, or to have in possession any matter, or to abet in any manner in inciting, promoting or advocating hatred, violence or hostility against any person or group by reason of race, color or religion. Referred to Judiciary General Committee.

S 495 (Bartlett) RADIO BROADCASTING—Amending Sections 3 and 4 of Act of December 1, 1938 to provide that contracts shall not be required for private wires used for radio broadcasting by any protective services or in interstate commerce. Referred to Public Utilities Committee.

Vermont:

H 379 (Committee on Judiciary) COPYRIGHTS—Relating to copyrights and performance rights of musical compositions. It regulates the license therefor and levies a privilege tax. Referred to State Affairs Committee.

Wisconsin:

A 308 (Siebert) ADVERTISING PRICE OF LIQUOR—Relating to advertising the price of liquor. To Excise & Fees Committee.

A 622 (Education Com.) BROADCASTING LICENSES—Relating to the improvement and operating of broadcasting facilities licensed to agents. Referred to Education Committee.

DISTRICT MEETINGS SCHEDULED

District 1—Director, John Shepard, 3rd. May 11, studios of The Yankee Network, Boston, Massachusetts.

District 3—Director, Clair McCollough. April 21, 2 p. m., Benjamin Franklin Hotel, Philadelphia, Pennsylvania.

District 5—Director, W. Walter Tison. May 14 and 15, Ponte Verde Beach, Florida.

District 7—Director, Mark Ethridge. May 4, Cincinnati, Ohio.

District 11—Director, Earl Gammons. May 11 and 12, Rochester, Minnesota.

NETWORK CAMPAIGN SCHEDULES

Following are the CBS, NBC and Mutual schedules, still incomplete, for the NAB-RMA campaign to sell radio by radio, to start with "open house" in all member stations the week of April 17:

(All time Eastern Standard Time, unless after April 30—then Daylight Saving)

NAB—RMA Programs by the Columbia Broadcasting System.

April 17—2:30-3:00 P. M.—"Machines and Men—The Story of Radio"—Special broadcast of the American School of the Air.

April 17—10:30-11:00 P. M.—"It Seems That Radio Is Here to Stay"—An original script especially written for the NAB-RMA campaign by Norman Corwin; broadcast by the Columbia Workshop. (Another original script in promotion of American radio will be written by Mr. Corwin and produced by the Columbia Workshop in May.)

April 23—7:00-7:30 P. M.—"Radio and the Public Interest"—A round-table discussion between four outstanding Americans (names later), led by Lyman Bryson, on the People's Platform.

April 26—5:15-5:30 P. M.—"So You Want to Be a Radio Director?"—First in a series of adaptations to interview young people about radio and its work. Interviews by Earle McGill, CBS casting and production director, on "So You Want to Be . . .?"

May 1—5:45-6:00 P. M.—CBS has deliberately held back the announcement of the invention of a new television device by Dr. Peter C. Goldmark, CBS chief television engineer, for this program dedicated to the NAB-RMA campaign.

Also, announcement will be made of a synthetic reverberating machine, designed to produce concert-hall-like dimension to studio-produced musical programs. Gilbert Seldes, CBS television program director, will lead the interview and demonstration. The program is one of a series entitled "Adventures in Science."

May 28—3:00-4:00 P. M.—Howard Barlow and the CBS Symphony Orchestra, playing the prize-winning composition in the National Federation of Music Clubs contest, and with other works written especially for radio. Deems Taylor, commentator.

Additional CBS Cooperation: On "Highway to Health—Radio's Contribution to the National Health"; on "Of Books and Men"; on others in the series American School of the Air. Dates later. Deems Taylor speaking on "Music on the Radio."

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Note to CBS Affiliated Station Publicity Directors:

These superb CBS programs deserve all the local build-up you can give them—n'est-ce pas?

NAB-RMA Programs by the National Broadcasting Company:

April 17—1:15 P. M.—NBC-Red—Judge J. M. Braude, head of the Boys' Court in Chicago, will outline the value of radio in preventing juvenile delinquency. Interviewed by Alma Kitchell on LET'S TALK IT OVER.

April 17—7:15 P. M.—NBC-Red—S. K. Ratcliffe, British lecturer, discusses part radio has played in international affairs. Subject: MEN OF THE HOUR IN ENGLAND.

April 17—7:30 P. M.—NBC-Red—A whimsical dramatization of the History of Radio: THE SPECTACULAR SPINKLE.

April 17—9:30 P. M.—NBC-Blue—Discussion of American radio, on the NATIONAL RADIO FORUM. (Names later.)

April 18—12 Noon—NBC-Blue—MEET THE ARTIST, conducted by Nellie Revell.

April 19—1:15 P. M.—NBC-Red—Laurice York Erskine, author of the NBC juvenile serial, "Renfrew of the Mounted," analyzes the value of radio for children. Interviewed by June Hynd on LET'S TALK IT OVER.

April 19—2:30 P. M.—NBC-Blue—American Radio and Its Programs—A Feature of the Women's National Radio Committee Annual Radio Award Luncheon.

April 19—5:00 P. M.—NBC-Blue—American Radio and "Be Kind to Animals Week," with Victor Moore, William Gaxton and Mrs. Richard Harkness, Jr.—How Radio Helps the ASPCA (American Society for Prevention of Cruelty to Animals).

April 21—6:05 P. M.—NBC-Blue—Radio and What It Means to American Women, on ALMA KITCHELL'S BRIEF CASE.

April 21—7:30 P. M.—NBC Blue—THE ABC OF NBC (Guest Relations Division—Radio City).

NBC advises that "this schedule by no means completes NBC's plans for the NAB-RMA year-round campaign. The National Farm and Home Hour will cooperate to the fullest, as will Nellie Revell's "Meet the Artist" program. NBC's Special Events Department is planning a number of special features tied in with the campaign. Further details will be announced. * * *"

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Note to NBC Affiliated Station Publicity Directors:

Let's tell the world—NBC is! Almost *every day*, the *first week!*

NAB-RMA Programs by the Mutual Broadcasting System (Incomplete).

April 20—8:30 P. M.—Demonstration of the improvement in broadcasting and reception equipment since 1922, through the use of filter mikes, on "Wallenstein Sinfonietta Program."

Intimate NAB-RMA tie-ups on programs of Gabriel Heatter, Uncle Don, Raymond Gram Swing, Ed Fitzgerald, John Gambling and Martha Deane.

Further dates and program titles on the way.

Note to MBS Affiliated Station Publicity Directors:

Here's Mutual—making another Mutual friend for radio. Let's help!

SUMMER WORKSHOP

Dates and teaching staff for its 1939 Summer Radio Workshop have been announced by New York University. Courses will start July 5 and end August 12. The staff includes Douglas Coulter, Robert S. Emerson, Earle Lewis McGill and Max Wylie, all of CBS, and Philip Cohen, United States Office of Education.

THOMPSON SWORN IN

Frederick I. Thompson of Alabama was sworn in as a member of the Federal Communications Commission on Thursday succeeding Judge Eugene O. Sykes who resigned April 5. Mr. Thompson will fill the unexpired term of Judge Sykes which ends July 1, 1941. The Senate confirmed Mr. Thompson last Saturday.

Monopoly Hearing

APRIL 6

The commission continued to consider transcriptions. Albert A. Pulley, chief technical director of disc recording studios for RCA at Camden, N. J., the first witness, talked principally about the technicalities of recording. T. Kennedy Stevenson, president of Electrical Research Products, Inc., a Western Electric subsidiary, discussed patent licensing in the transcription business.

APRIL 11

John Shepard III, Yankee Network, and Samuel R. Rosenbaum, WFIL, at the commission's request, discussed network contracts. They agreed that the commission should keep hands off the relationship between networks and affiliates, and that networks and affiliates should try to work out problems that had arisen.

"I recognize that the public interest must be regarded, but I look with extreme disfavor upon any interference or actual substitution of government judgment for that of those who are operating the business, except as a last and necessary resort for the protection of the public interest," said Mr. Rosenbaum.

APRIL 12

Returning to transcriptions, the commission examined Emanuel J. Rosenberg, executive vice-president of the Transamerican Broadcasting and Television Corporation, New York, and Percy L. Deutsch, president of the World Broadcasting System, New York.

FCC TELEVISION COMMITTEE MAKES A FIELD TRIP

Problems facing the Federal Communications Commission in its efforts to set up standards of production and transmission for the television industry, and to allocate wave-lengths for television broadcasting, were discussed Wednesday by the television committee of the commission in a press conference in the Hotel Ambassador.

T. A. M. Craven, chairman of the committee, explained that the group was "departing from ordinary procedure and going out into the field" to gather information on television for a report to the commission. The survey, he said, represented an attempt on the part of the government to "co-operate with private business enterprise in planning the development of a new art."

Other members of the committee are Thad H. Brown and Norman S. Case. They were accompanied by Andrew D. Ring, assistant chief engineer of the commission in charge of broadcasting; George B. Porter, assistant general counsel in charge of broadcasting, and William B. Brauer, patent counsel for the commission. The committee will confer with radio manufacturers and technicians here, and witness demonstrations of developments in the industry.

Development of television to a point where it is commercially practicable faces a three-part problem, Mr. Craven said, which embraces the manufacturing of apparatus, operating of television transmission stations, and regulation of the stations in the interest of the public. He said the National Association of Radio Manufacturers, including most of the firms interested in television, already had proposed standards for the industry which were being considered as part of the survey.

Mr. Craven explained that at present all commercial broadcasting was encompassed in a 1,000-kilocycle band ranging from 500 to 1,500 kilocycles, while each television station would require an individual band of 6,000 kilocycles. As the wave-lengths below 40,000 already are filled by aircraft, ship and other forms of radio transmission, television will have to find channels above that point. He said there was a potential field for various forms of radio transmission up to 300,000 kilocycles, and nineteen television bands had been tentatively set aside.

There are several types of television equipment, he said, and unless manufacturers adhered to some standards, some receivers could not receive television sent out by a different type of transmitter. He admitted that some manufacturers might face a loss of their investments if regulation of the industry forced them to abandon manufacturing types of equipment that did not meet certain standards.

Asked for a comment on censorship of the radio and whether television might not make censorship necessary to prevent "Sally Rand" dances over the air, Mr. Craven said he could not comment on that. He said that personally he was against censorship, and Mr. Brown voiced agreement with him, explaining that any way, the act creating the F. C. C. strictly ruled out censorship.

Mr. Craven said he hoped the committee would have its report ready for the commission in a month.

769 STATIONS

The F. C. C. during March issued operating licenses to three new stations and granted construction permits for the construction of three new stations. The count of stations as of April 1st as compared with previous months is as follows:

	Jan. 1	*Feb. 1*	*Mar. 1*	*Apr. 1*
Operating Stations	722	727	729	732
Construction Permits	42	39	37	37
Total	764	766	766	769

RADIO CENSUS

The Federal Communications Commission has designated the Chief Accountant to act as liaison officer with the Bureau of the Census in connection with the sixteenth decennial census, to obtain data with respect to the number of radiobroadcast receiving sets, to determine from the Federal licensing standpoint, the use of radio as an instrument of social significance, and problems of national defense.

FCC ORDER ON ARGUMENT

An order has been issued by the Federal Communications Commission in connection with the proposed new rules governing broadcast stations by which application for oral argument must be filed within thirty days by those desiring to be heard in opposition to any of the rules. The official order is as follows:

IT APPEARING, that pursuant to Orders hertofore entered by the Commission dated April 6, 1938 (Minute No. 149-38) and April 27, 1938 (Mimeograph No. 26,877), the Committee of the Commission, composed of Commissioners Case, Chairman, Craven and Payne, has submitted its written report and recommendations in the above-entitled matter; that said Order of April 27, 1938, provided for the filing of exceptions and request for oral argument by the parties of record, in conformity with Rules 106.27 and 106.28; and

IT FURTHER APPEARING, that said rules have been repealed since the entry of said Order of April 27, 1938, and that the Commission is desirous of permitting the persons participating in the hearing to express their views on the Report of the Committee,

IT IS ORDERED, this seventh day of April, 1939, that a copy of the Report of the Committee herein be mailed to each party participating in the hearing, that each such party shall have the right to file exceptions to the report, together with a brief in support thereof if desired, and to request oral argument thereon at any time within a period of thirty days from the mailing by the Secretary of the Commission of the Report; if exceptions, brief or request for argument be filed, fifteen copies thereof shall be furnished the Commission.

RULES POSTPONED

The FCC postponed to July 1, 1939, the effective date of the revised rules governing commercial radio operator licenses.

FCC RULES ANALYSIS

The following preliminary analysis of the recommendations on the allocation of stations contained in report to FCC on proposed rules and standards was prepared by R. M. Wilmotte, acting NAB engineer:

The following analysis covers the subject of allocation as it is affected by the rules and standards recommended by the Committee to the FCC. Each class of station, as it exists at present, is treated separately. This analysis indicates the expected operation of the proposed rules and standards. For accurate wording the report itself as submitted to the FCC should be consulted.

Dominant Clear Channel Stations

Included as clear channels are all the present clear channels, both those that are truly clear and those that may be duplicated for night-time operation, as well as the high power regionals. The allocation provides that 25 channels shall not be duplicated and that 19 may be duplicated. The frequencies that are recommended to remain clear and those that are recommended for duplication are listed in Rule 31.05.

In the rules and standards as originally proposed, provided for three classes of stations operating on clear channels. IA were to be truly clear and IB were to be duplicated, but given the same daytime protection as Class IA and night-time protection up to the 500 mv/m 50% sky wave contour. Because of the objections of several individual station licenses to an IB classification, the Committee recommends that all dominant clear channels be termed Class I stations. (See Rule 31.02 (1)). The proposed operation of the stations, however, has not been changed, only the official classification has been changed.

The power recommended is 50 kilowatts for pure clear channel stations (See Rule 31.05 (a)), and for dominant stations on a channel that may be duplicated, the maximum is 50 kilowatts and the minimum 10 kilowatts.

The Committee recommended against the use of powers in excess of 50 kilowatts at this time, largely on the basis of the possible social and economic consequences rather than on the basis of the engineering facts presented.

As far as service is concerned, pure clear channel stations will be protected from interference from stations in other countries up to the border of the United States, that is foreign stations operating on the same frequency will have to protect the border of the United States on these frequencies, so that a signal of 100 microvolts per meter during the day and of 500 microvolts per meter 50% of the time at night, would be free from objectionable interference. These stations are also to be protected from objectionable interference from stations on adjacent channels both day and night up to their 500 microvolt per meter day-time contour.

Class II stations are to be permitted to operate day-time or limited time on the same frequency as pure clear channel stations.

There may be more than one station operating on a clear channel that may be duplicated. These stations are to protect each other by directional antennas or other means at night and are also to be protected by other stations on the same channel up to their 500 microvolt per meter 50% of the time sky wave contour at night and their 100 microvolt per meter contour during the day. Stations on adjacent channels are to provide the same protection as for pure clear channel stations, that is up to the 500 microvolt per meter day-time contour both day and night.

Foreign stations, when the Havana agreement becomes effective, will have to protect the existing dominant clear channel stations operating on channels that may be duplicated, as would United States stations, but not beyond the borders of the United States.

In the first part of the report the Committee recommended that no duplication be carried out on the pure clear channels at this time until the possible improvements which may be available in a better use of regional and local station channels and of the 19 clear channels which were recommended to be shared station channels were exhausted.

Secondary Stations Operating on Clear Channels

Secondary stations operating on clear channels are to be called Class II stations. Their power is limited to a minimum of 250 watts and a maximum of 50 kilowatts. On pure clear channels, they can operate only limited time, in most cases it is likely, though it is not stated in the report, that the time limit will be local sunset at the dominant station operating on the same frequency. They may be permitted to operate at night, however, on the clear channels that may be duplicated.

They must protect Class I stations to their 100 microvolt per meter contour during the day and their 500 microvolt per meter contour 50% of the time sky wave contours at night. They must also protect Class I stations on adjacent channels to their 500 microvolt per meter day contour both day and night.

As far as their own protection is concerned, they are not to be protected from interference from Class I stations, but it is recommended that they be so located that their service area be not limited by such interference to a signal contour greater than their 2.5 mv/m ground wave contour. They are to be protected to this contour at night by other classes of stations and to their 500 microvolt per meter ground wave contour by these other classes of stations during the day, both on the same and on adjacent channels. However, if a station happens to be limited to a contour in excess of these figures, there will be no obligation on the part of any other station to protect it beyond the contour to which it is limited.

These proposed rules and standards indicate that secondary stations on clear channels have an opportunity, if social and economic conditions require it, of increasing their power so as to give service to at least their 2.5 mv/m contour at night and at least their 500 microvolt per meter contour during the day. Those stations that operate on the clear channels that may be duplicated, have an opportunity also of operating at night, provided they protect the service areas of the dominant clear channel stations, using, if necessary, a properly designed directional antenna.

If their present service area is limited by interference to a signal greater than 2.5 mv/m at night or 500 microvolts per meter during the day, it may be worth while for them to seek greater protection by cooperation with other stations, in order to improve their service and qualify for a higher degree of protection from new applicants.

High Power Regional Channels

The high power regional channels are recommended to become clear channels, which may be duplicated. Stations operating on these channels may be classified as Class I or Class II stations, depending on their operation and the degree of interference that they receive. The proposed rules for these stations have been discussed above.

Regional Channels

Stations operating on regional channels are to be called Class III stations. The frequencies on which they may operate are given in rule 31.06. They are to be normally protected to their 500 microvolt per meter contour during the day. For the purpose of night protection, they are divided into two groups called IIIA and IIIB. Class IIIA stations are to be protected to the 2.5 mv/m ground wave contour, and Class IIIB stations to the 4 mv/m ground wave contour. Both classes may operate with power up to 5 kw. daytime, but Class IIIB stations may not operate with more than 1 kw. at night. The lower limits are 1 kw. for IIIA aand .5 kw. for IIIB. Another way of expressing classification is that a regional station that gives service free from objectionable interference within its 2.5 mv/m contour is likely to be classified as a class IIIB station, and will be limited in power to 1 kw. at night, while a station whose service is free from interference beyond its 2.5 mv/m contour is likely to be classified as a Class IIIA station, and will qualify to apply for a power of 5 kw. unlimited time.

Regional stations will have to protect the service area of Class I stations. They will receive and give protection to all other classes of stations in accordance with the standards of protection corresponding to the particular classification of each.

If a regional station receives objectionable interference in excess of the normal protection for its particular classification, there will be no obligation for other stations to protect it beyond the contour to which it is limited.

The four special broadcast stations now operating on 1530 kc. and 1550 kc. with 20 kc. separation are classified as Class III. Under the Havana agreement the separation on these frequencies will be reduced to 10 kc.

While the proposed rules do not recommend a blanket increase in power for all regional stations, the first part of the report indicates clearly that many increases in power are contemplated. This report states ". . . it seems desirable that wherever possible, the Commission should attempt to secure better equalization of facilities in states and communities than exists at present by granting increases of power to regional and local classes of stations." It appears, however, from the proposed rules and standards that some of these increases will depend on the service area of the stations not being subject to interferences in excess of an amount that would limit the service within their 2.5 mv/m contours. Regional stations should study, therefore, their present interference limitations. If they wish to qualify for a Class IIIA standing, and their limiting contour is in excess of 2.5 mv/m, they should endeavor to have their interference reduced. One method that has been advocated by a small group of stations since 1936 is for the regional stations operating at night on the same channel to cooperate in building directional antennas to protect each others' service areas.

According to the proposed rules and standards some regional stations should have much to gain by reducing their present interference by one means or another.

A Class IIIB station may be assigned to a channel available for this class, when a need therefore is shown, even though objectionable interference will be received to a field intensity contour greater than that specified as the normally protected contour for its class, provided that no objectionable interference will be caused by it to existing stations, and that the population residing in the area between the normally protected contour for its class and the contour for which interference will be received does not exceed 10% of the population of its actual primary service area. A Class IIIA station, however, cannot be so assigned, for if it is, it immediately falls to a IIIB classification.

A local station may be assigned on a clear channel, but in that case, the regional stations do not have to protect it, although it has to protect them.

Local Stations

Under the proposed rules, local stations are called Class IV stations. There are six local channels as at present; they are listed in rule 31.07.

Local stations may be permitted to operate with 100 watts or 250 watts. They will normally be protected to their 500 microvolt per meter contour during the day and 4 mv/m ground wave contour at night. On these channels, the separation required for day-time protection will also determine the night-time separation, apparently without consideration being given to the actual interference caused by the sky waves from other local stations operating on the same frequency. While this condition may appear at first sight to be arbitrary, it should be realized that a single local station cannot alone create by means of its sky wave objectionable interference up to a four millivolt per meter contour. It is true, however, that such a degree of interference may be produced by a group of local stations on the same frequency. The standards proposed do not appear to take this contingency into consideration.

While the report does not recommend a blanket increase of power to all local stations, in Part I it is made clear, as explained for regional stations, that many increases in power are contemplated. For this reason, local stations should study their present interference and the interference they cause. Those that are limited to a contour beyond the normal service may be able to qualify for an increase in power to 250 watts, both day and night, provided that increase does not cause interference to other stations, and the social and economic conditions justify it.

A Class IV station may be licensed to operate on a regional channel, but in that case, it must protect the Class III stations on the channel and can claim no protection from them. However, it is recommended that the Class IV stations be so located that the interference received will not be greater than to the 4.0 mv/m contour at night and the 500 microvolt per meter contour during the day. The assignment of a class IV station to a regional channel normally is not to be considered as making the best usage of the assignment and will be made only when it is shown among other things that

1. There are no other transmission facilities in the town or towns in the proposed service area.
2. There is no local channel assignment available for that area.
3. Adequate economic support is not available for a Class III station.
4. It is not practical from an engineering point of view to establish a Class III station and it would not prevent the establishment of any Class III station on that channel or an adjacent channel.

Allocation conditions applicable to all classes of stations

It is important for a full understanding of the proposed standards and rules to bear in mind that the class of any station is determined by the channel assignment, the power, and the field intensity contour to which it renders service free of interference from other stations as determined by the standards. In other words, no station will be permitted to change to a class normally protected to a contour of less intensity than the contour to which the station renders interference free service; and any station of a class normally protected to a contour of less intensity than that to which the station actually renders interference free service will be automatically reclassified according to the class normally protected; the minimum consistent with its power and channel assignment. Likewise, any station to which the interference is reduced so that service is rendered to a contour normally protected to a higher class will be automatically changed to that class, if consistent with its power and channel assignment.

Without crossing interference boundaries which would thus reclassify a station automatically, it is possible for a station to be protected beyond the normally protected contour for its classification. When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to 90% of the population of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration. Population appears to be the criterion, no weight being given to area, to qualify for such special protection.

It is seen from these standards of good engineering practice that it appears to be the intention of the committee to consider granting special protection to stations who qualify by being sufficiently protected from the interference of other stations. Those stations seeking to qualify for a higher classification or for special protection should, therefore, take steps to reduce the interference they suffer from other stations, by cooperative effort or other means.

In studying the allocation problems brought up by the proposed rules and standards, the full picture should include the effect of the Havana agreement, for it will be given weight in view of its being finally adopted. The Havana agreement opens all frequencies to all the nations providing only that certain interference conditions will be maintained. Existing Class II, III and IV stations will have to protect the service areas of the Class I stations allocated to Canada, Mexico, and Cuba, which may be duplicated, and the border of these countries, when the allocated channel is not be be duplicated. The same protection will be provided by foreign stations to Class I stations in the United States. New stations of other classifications will have to protect existing stations. The agreement will require many of the United States stations to shift their frequencies. The new allocation of channels has been given in the FCC mimeograph release No. 27905 and is reproduced in the report on page 36 of the Appendix I. The change in frequencies which will be required of United States stations was given in the FCC mimeograph release No. 27906 and is reproduced in Appendix XII of the report.

Primary Service

The signal for primary service is recommended to be a signal free from interference from other broadcast stations and also free fom objectionable fading either in changing intensity or selective fading. The signal recommended for different types of areas is given in the following table. The last column gives the standards recommended in the seventh annual report of the Federal Radio Commission, which are the last figures officially recognized. These figures are given to show the change of standards recommended.

TABLE I

Primary Service

Area	*Recommended in Report*	*Recommended in 1933*
City, business or factory area	10 to 50 mv/m	10 to 25 mv/m
City residential areas	2 to 10	2 to 5
Rural—all areas during winter or northern areas during summer.........	0.1 to 0.5	0.1 to 5
Rural—southern areas during summer	0.25 to 1.0	0.1 to 5

In determining the population of the primary service area, it is recommended that the following signal be considered as satisfactory to overcome man-made noise in towns of the population given.

TABLE II

Signal to Overcome Man-made Noise

Population	*Field intensity ground wave*
Up to 2,500	0.5 mv/m
2,500 to 10,000	2.0 mv/m
10,000 and up	values given in Table I

Calculation of Interference

It has been the practice to date in presenting evidence before the FCC to assume that the limiting interference was equal to the greatest interference produced by any single station. A station producing nearly the same interference as another was not considered, therefore, to have any effect on the total interference. This practice was evidently incorrect.

The total interference produced according to the proposed standards is to be taken as equivalent to a single signal having an intensity equal to the root sum square of the interfering signals and no station thereafter assigned the channel should increase the root sum square value of the interfering field intensity above the normally protected contours specified for each class of station, with some important exceptions that are given in detail on page 7 of the appendix XVII of the report.

Summary of Interference and Service Standards

The report gives a summary tabulation of the recommended service and protection for each class of station. It is reproduced in Table III where there has been added a column to show the change from the existing standards based on the seventh annual report of the Federal Radio Commission, issued in 1933. High power regionals are not listed here. They were granted the same protection as regional stations, while under the proposed rules they are to be classified as class I or II.

TABLE III

Protected Service Contours and Permissible Interference Signals for Broadcast Stations

Class of Station	*Class of Channel used*	*Permissible Power*	*Signal intensity contour of area protected from objectionable interference*[1]		*Permissible interfering signal on same channel*[2]		*Boundary service recommended in 1933*	
			Day[4]	*Night*	*Day*[4]	*Night*[3]	*Day*	*Night*
Ia	Clear	50 kw	SC 100 uv/m AC 500 uv/m	Not duplicated	5 uv/m	Not duplicated	100 uv/m	500 uv/m
Ib	Clear	10 kw to 50 kw	SC 100 uv/m AC 500 uv/m	500 uv/m (50% sky wave)	5 uv/m	25 uv/m	100 uv/m	500 uv/m
II	Clear	0.25 kw to 50 kw	500 uv/m	2500 uv/m[5] (ground wave)	25 uv/m	125 uv/m[5]	—	—
III-A	Regional	1 kw to 5 kw	500 uv/m	2500 uv/m (ground wave)	25 uv/m	125 uv/m	500 uv/m	1000 uv/m
III-B	Regional	0.5 to 1 kw night and 5 kw day	500 uv/m	4000 uv/m (ground wave)	25 uv/m	200 uv/m	500 uv/m	1000 uv/m
IV	Local[6]	0.1 kw to 0.25 kw	500 uv/m	4000 uv/m (ground wave)	25 uv/m	200 uv/m	2000 uv/m	2000 uv/m

SC—Same channel AC—Adjacent channel

The standard of interference for signals of the same frequency has not been changed in the proposed standards from the ratio of 20:1 of desired to undesired signal, but there is recommended a substantial change in the standards of interference from adjacent channels. Table IV gives the maximum ground wave of undesired station permissible under the proposed rules and Table V gives the ratio of desired to undesired signal under the proposed rules and for comparison according to the present standards.

TABLE IV

Adjacent Channel Interference

Channel separation between desired and undesired stations	*Maximum ground wave field intensity of undesired station*
10 kc.	0.25 mv/m
20 kc.	5. 0 mv/m
30 kc.	25. mv/m

The undesired ground wave signal shall be determined at or within the 0.5 mv/m ground wave contour of the desired station. These values apply to all classes of stations both day and night and are based on ground waves which hold for an effective power up to 50 kw. Above this effective power, when an interfering sky wave signal for 10 per cent or more of the time exceeds five times the desired signal 10 kc. removed in frequency (or undesired exceeds 25 times the desired signal 20 kc. removed in frequency), interference will be produced. This may result from the use of a directional antenna and in such cases the interference shall be determined from the 10% sky wave of an interfering station to the normally protected ground wave or to a sky wave of a desired station, on the basis of a ratio of 1 to 5 (or 1 to 25 for 20 kc.) for desired signal to the undesired sky wave signal for 10 per cent or more of the time.

TABLE V

Channel Separation	*Ratio of Desired to Undesired Signal.*	
	Recommended in Report	*Present Standards*
10 kc.	2:1 ground wave[7]	2:1
	1:5 sky wave	2:1
20 kc.	1:10 ground wave	1:3
	1:25 sky wave	1:3
30 kc.	1:50	1:10
40 kc. and above	No restriction[8]	1:30

It will be seen that the proposed standards of interference are very different from existing ones. A notable variation is the difference in interference standards for day and night operation. The existing standards were based on a certain ratio between the ground waves during the day and the same ratio with the interfering sky waves at night. In the proposed standards the ground wave is the only one that need be considered as a source of adjacent channel interference because the ratio of interference at night has been made so high, that sky waves will seldom reach such values on the basis of the average sky wave curve of the FCC which is recommended for the calculations of sky waves.

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[1] When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to 90% of the population of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration. When a station is already limited by interference from other stations to a contour of higher value than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

[2] For adjacent channels see Table II.

[3] Sky wave field intensity for 10% or more of the time.

[4] Ground wave.

[5] These values are with respect to interference from all stations except class Ib, which stations may cause interference to a field intensity contour of higher value. However, it is recommended that class II stations be so located that the interference received from class Ib stations will not exceed these values. If the class II stations are limited by class Ib stations to higher values then such values shall be the established standard with respect to protection from all other stations.

[6] Class IV stations may also be assigned to regional channels according to Rule 31.09.

[7] This ratio of desired to undesired signal is not based on the characteristics of the average receiver but upon what the characteristics of an ideal receiver would be which would permit high fidelity reception of a station in the high fidelity primary service area (primary area where no interference would be caused to a receiver responding faithfully to a band 15 kc. wide or 7.5 kc. audio response). The ratio of desired to undesired (1 to 5 and 1 to 25) for interference from a sky wave 10 and 20 kc. removed in frequency respectively is based on the characteristics of most good receivers placed in operation since 1936 and operated as most listeners adjust variable selectivity receivers where the signal is one millivolt or less.

[8] Two stations, one with a frequency twice that of the other, should not be assigned in the same primary service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency.

Conclusion

There has been much thought and work given by the Committee to the report, but whatever is done, the influence of the proposed rules on the allocation of stations will depend on their interpretation and applications. In this connection, special attention should perhaps be paid to a portion of part I of the report on the flexibility of the rules. It reads as follows:

> "Another consideration of importance is the close association between the rules and the standards of good engineering practice and the degree of flexibility permitted in applying them to conform with practicalities. This degree of flexibility has definite advantages, in that it permits the application of modern developments to the solution of current broadcasting problems as they occur. However, it places an additional responsibility upon the Commission to adhere basically to sound engineering principles."

Flexibility was possible under the existing rules and it does not appear to have been brought out clearly in what way the proposed standards are to be applied to be flexible. One might consider the ideal condition of presenting the engineers with the problem of serving a certain community or a number of such communities with a certain degree of service, at a cost not to exceed a given amount. At the present time the engineer fits a station as best he can into the field strength contours that meet with standards of service and interference, but which may or may not fit with the market area to be served. Flexibility, if properly applied, may assist in that direction. Partly in line with this thought is a recommendation contained also in the first part of the report, which gives priority for increased facilities to certain communities and stations as follows:

(1) Communities having no radio stations and capable of supporting same.

(2) Communities having existing stations with inadequate technical facilities to serve properly the population therein.

(3) Communities having an adequate number of radio stations and capable of supporting additions without detriment to resultant service.

(4) Existing stations at a competitive disadvantage with other stations in the community by reason of inadequate technical facilities.

An analysis of the other engineering features of the report is being prepared and is expected to be ready for publication in next week's bulletin.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of the McComb Broadcasting Corporation for a new station at **McComb, Mississippi,** to operate on **1200 kilocycles,** 100 watts, daytime.

It was found by the Commission that there is a public need in McComb for the broadcast service proposed and that the program service as outlined by the applicant is designed to serve the interests of the area. The Commission also stated that the operation of the proposed station will not cause objectionable interference.

The application of the Mountain Top Trans Radio Corporation for a construction permit for a new station at **Denver, Colorado,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time, was denied by the Commission.

"Satisfactory evidence has not been presented," stated the Commission in its decision, "on behalf of the applicant that its president and principal stockholder is a citizen of the United States and that it is legally qualified to be the licensee of a radio broadcast station, as required by Section 310 of the Communications Act of 1934, as amended."

The Commission denied the application of Radio Enterprises, Inc., for a construction permit for a new station at **Victoria, Texas,** to use **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The Commission stated in its decision that the "applicant is not financially qualified to construct and operate the proposed station." It is pointed out in the decision that the Commission has held all along that the applicant must have available or have access to, "sufficient assets to finance the construction and reasonably extended initial operation of the station."

The Commission has granted the application of the Citizens Voice and Air Show for a new station at **Provo, Utah,** to use **1210 kilocycles,** 100 watts night, 250 watts day, unlimited time, and denied the application of the Provo Broadcasting Company for a construction permit at Provo to use the same facilities.

The Commission found in its decision that there is an existing public need for local broadcast service in the Provo area and that no objectionable interference would be involved by the granting of either application. The Commission stated that the station proposed by Citizens Voice and Air Show will "afford a more comprehensive and otherwise satisfactory service to residents in the area of Provo than the station proposed by Provo Broadcasting Company."

The Commission has granted the application for consent to transfer control of Golden Empire Broadcasting Company licensee, of Stations KHSL, **Chico, California,** and KVCV, **Redding, California,** to Ray McClung, Horace E. Thomas and Stanley R. Pratt, Jr.

The Commission found in its decision that the Golden Empire Broadcasting Company is in all ways qualified to continue the operation of the station and the present service of the stations is meritorious but that the service under the proposed new ownership "will be broadened to include services not now rendered and to meet the needs of outlying areas." The Commission stated also that the technical equipment of the station will be improved so as to render more efficient service, and that "a higher grade personnel will be employed and the licensee will be under the control of stockholders who are financially able to make the improvements contemplated."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 17. They are subject to change.

Tuesday, April 18

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares WBNO.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

Further Hearing

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Thursday, April 20

WAGA—Liberty Broadcasting Co. (Assignor), Liberty Broadcasting Corp. (Assignee), Atlanta, Ga.—Voluntary assignment of license, **1450 kc.,** 500 watts, 1 KW LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

May 17

KRKO—Lee E. Mudgett, Everett, Wash.—Renewal of license, **1370 kc.,** 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to The Everett Broadcasting Co., Inc. (Assignee); **1370 kc.,** 50 watts, shares KEEN.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

June 6

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.,** 500 watts, 500 watts LS, shares KFNF.

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of license, **1380 kc.,** 1 KW, unlimited time (DA). Present assignment: **1380 kc.,** 250 watts, 1 KW LS, unlimited time (DA).

June 20

WGBF—Evansville on the Air, Inc., Evansville, Ind.—C. P., **1250 kc.,** 1 KW, 5 KW LS, unlimited time (DA night). Present assignment: **630 kc.,** 500 watts, 1 KW LS, simultaneous day, shares KFRU night.

KFRU—KFRU, Inc., Columbia, Mo.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **630 kc.,** 500 watts, 1 KW LS, simultaneous day, shares WGBF night.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P., **630 kc.,** 1 KW, 5 KW LS, unlimited time (DA night). Present assignment: **1250 kc.,** 1 KW, unlimited time (DA night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WDEV—Lloyd E. Squire and Wm. G. Ricker, d/b as Radio Station WDEV, Waterbury, Vt.—Granted involuntary assignment of license for WDEV from Charles B. Adams, Adm. of Harry C. Whitehill Estate and Executor of Mary M. Whitehill Estate, to Lloyd E. Squire and William G. Ricker, d/b as Radio Station WDEV.

WHK—The Radio Air Service Corp., Cleveland, Ohio.—Granted extension of experimental authority to modulate the signals of regular broadcast station WHK with facsimile between the hours of 1 and 6 a. m., EST, using 1 KW power, from May 1 to November 1, 1939.

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted extension of experimental authority to modulate the signals of regular broadcast station KFBK with facsimile between 12 midnight and 6 a. m., PST, using 10 KW, for the period ending November 1, 1939.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WSUI—The State University of Iowa, Iowa City, Iowa.—Application for C. P. to move transmitter site locally, approximately 2 miles from present site; install new equipment and directional antenna; and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, employing DA for both day and nighttime operation. Application designated for hearing to determine if interference might result to existing stations, and because pending applications from Iowa involve increase in service.

KRLH—Clarence Scharbauer, Midland, Tex.—Application for C. P. to make changes in transmitting equipment and increase power and time of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time. Application designated for hearing to determine if interference might result to existing station KRBC.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Application for C. P. to move transmitter site locally from Physics Bldg. to Granger, Ore.; install new equipment and vertical radiator; and increase power from 1 to 5 KW. (To be heard before the Commission.) Application designated for hearing because the request violates Rule No. 120, and to determine the question of interference which might result.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDFN, Casper, Wyo.; KELA, Chehalis, Wash.; KGB, San Diego, Calif.; KGCX, Wolf Point, Mont.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KLPM, Minot, N. Dak.; KOY, Phoenix, Ariz.; KRIS, Corpus Christi, Tex.; KSCJ and auxiliary, Sioux City, Iowa; KSTP, St. Paul, Minn.; KSO, Des Moines, Iowa; KWK, St. Louis, Mo.; WAGA, Atlanta, Ga.; WBBR, Brooklyn, N. Y.; WBIG, Greensboro, N. C.; WFBL, Syracuse, N. Y.; WHAZ, Troy, N. Y.

The following stations were granted renewal of licenses for the period ending October 1, 1939:

KFIO, Spokane, Wash.; WASH, Grand Rapids, Mich.; WNAC, Boston, Mass.; WOOD, Grand Rapids, Mich.; WXYZ, Detroit, Mich.

W8XE—Radio Air Service Corp., Cleveland, Ohio.—Granted renewal of facsimile broadcast (exp.) station license for the period ending March 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Granted renewal of facsimile broadcast (exp.) station license for the period ending March 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W2XMN—Edwin H. Armstrong, near Alpine, N. J.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W2XOY—General Electric Co., Albany, N. Y.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XNT—Radio Air Service Corp., Cleveland, Ohio.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W9XOK—The Star-Times Publishing Co., St. Louis, Mo.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XO—The Crosley Corp., Mason, Ohio.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W2XKI—National Broadcasting Co., Inc., New York; W10XF—Portable; W10XR—Portable-Mobile.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W4XFN—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time without advance notice or hearing.

W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time without advance notice or hearing.

W3XDD—Bell Telephone Labs., Inc., Whippany, N. J.—Present license for experimental broadcast station, expiring May 1, was extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.

W1XCS-W1XEV—Connecticut State College, Storrs, Conn.—Present license for experimental broadcast station, expiring May 1, was extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.

W2XBF—William G. H. Finch, New York City.—Present license for experimental broadcast station, expiring May 1, was extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.

MISCELLANEOUS

KOAN—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Denied special temporary authority to operate from 5 to 6 a. m., CST, with power of 1 KW, during the month of April, in order to conduct experimental farm programs as outlined in applicant's request of March 20.

W10XFZ—Don Lee Broadcasting System, Los Angeles, Calif.—Portable-Mobile.—Granted C. P. to make changes in equipment and reduce power in experimental relay broadcast station from 100 watts to 10 watts. Also granted license to cover C. P. upon an experimental basis only, conditionally.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted modification of C. P. to install new equipment and extend completion date to 180 days after grant.

WGNC—F. C. Todd, Gastonia, N. C.—Granted license to cover C. P. authorizing a new station to operate on **1420 kc.,** with 100 watts night, 250 watts day, unlimited time.

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted license to cover C. P. authorizing a new station to operate on **1210 kc.,** with 100 watts night, 250 watts day, unlimited time.

W9XEG—Martin R. O'Brien (Aurora, Ill.), Portable-Mobile.—Granted modification of C. P. for changes in equipment in experimental relay broadcast station.

WGN—WGN, Inc., Chicago, Ill.—Granted license to cover C. P. authorizing move of transmitter site locally, modification of present equipment, and installation of vertical radiator.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted modification of C. P. to move transmitter site locally to Benham Road and Paradise Ave., Hamden, Conn., and make changes in DA system for nighttime use only.

WMOB—S. B. Quigley, Mobile, Ala.—Granted modification of C. P. for approval of transmitter and studio sites at 600 St. Louis St., and installation of vertical radiator.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to transmit to station CMCK, Havana, Cuba, through the regular commercial facilities of RCA, a sustaining program scheduled on Columbia Network from 6 to 7 a. m. Sunday, April 9 (program will consist of an Easter sunrise service, featuring a special address from Pope Pius XII, originating in the Vatican in Rome).

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on April 9, 16, 23, 30, in order to broadcast baseball games; from 10 p. m., April 8, to 1 a. m., April 9, in order to broadcast Mayaguez Country Club dance and religious services; from 9 to 11 a. m., AST, on April 7, in order to broadcast religious services from the Catholic Church. Also granted special temporary authority to operate from 2 to 6 p. m., AST, on April 6 and 7, in order to broadcast religious services from the Catholic Church; to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on April 8, in order to broadcast religious services from Catholic Church.

The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate and transmit play-by-play account of games between Boston National League hockey teams and Toronto, Canada, teams to be played in Boston on April 6, 9, 16 and 20, beginning at 9 p. m., EST, to station CKCL via American Tel. and Telg. lines.

NEW—Harold H. Thoms, d/b as Asheville Daily News, Asheville, N. C.—The Commission modified its order in this case, effective April 3, so as to insert after the word "Granted" the following: "subject to the selection of a satisfactory transmitter site and compliance with Rules 131, 132 and 139 of the Commission, in which event the permittee herein shall file an application for modification of C. P. specifying the exact transmitter site and antenna system to be used and the make, type number, and approval number of the modulation monitor proposed to be employed, within two months after the above date. If for any reason such application cannot be submitted within the time allowed, an informal request for the extension of the time must be submitted stating the necessity therefor."

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate from 5 to 6 a. m., CST, on April 9, in order to broadcast Easter sunrise services.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate from 6 a. m., CST, to local sunset (April 7 p. m. and May 7:30 p. m., CST), for a period not to exceed 30 days, in order to make additional measurements during daytime to complete final adjustments.

WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from 4:30 to 6 a. m., EST, on April 9, in order to broadcast Easter sunrise service of the Moravian Church.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted petition for order to take depositions in re application of KOY for modification of license to change frequency and power.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted motion to set aside the action of the Secretary of March 25, 1939, in not accepting the appearance of WMT as a party respondent in re the application of The Gazette Co. for a new station at Cedar Rapids, Iowa.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted motion to dismiss without prejudice the application for C. P. to make changes in antenna and move studio and transmitter.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Petition to intervene in the hearing on the application of W. B. Greenwald for a new station at Topeka was withdrawn by petitioner.

NEW—M & M Broadcasting Co., Marinette, Wis.—Petition for decision in lieu of findings in re application for new station was referred to the Commission en banc for action.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted petition to intervene in the hearing on the application of M. C. Reese for a new station in Phoenix, Ariz.

NEW—M. C. Reese, Phoenix, Ariz.—Granted motion for order to take depositions in re application for new station to use **1220 kc.**, 100 watts, 250 watts LS, unlimited. Also granted petition to amend application with reference to transmitter site and retain hearing date (May 10th).

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted petition to accept and consider amended application, requesting facilities of WWRL in addition to facilities of WMBQ.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Granted petition to accept late filing of "Reply Brief of Brooklyn Broadcasting Corp." in opposition to "Reply Brief of Respondents," in re applications in dockets Nos. 1882, 1967 and 2039.

NEW—W. B. Greenwald, Topeka, Kans.—Dismissed with prejudice application for C. P. to erect a new station at Topeka to use **1370 kc.**, 100 watts, 250 watts LS, unlimited time, which was scheduled for hearing on April 11.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted motion for clarification of issues in re application for modification of license to change frequency and power.

NEW—James Louis Bloom, Jr., Brooklyn, N. Y.—Denied as in cases of default applications for C. P.'s for two new special experimental stations, because applicant failed to file a written appearance.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with KYHS on **1060 kc.**, from 9 to 11 p. m., EST, on April 11, in order to broadcast political programs in connection with municipal primaries in Baltimore.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to conduct transmission tests on a frequency of **1622 kc.**, with power not to exceed 25 watts, in the vicinity of St. Paul, Minn., in order to test transmission from the site specified in application for relocation of KSTP transmitter, for a period not to exceed 2 weeks following date of authorization.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 8 to 10 p. m., EST, on April 21, in order to broadcast a special meeting of the local Junior Chamber of Commerce, including an address by the National President of Junior Chamber of Commerce.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted extension of special temporary authority to operate with increased power (from 500 watts to 1 KW) from 9 to 9:30 p. m., CST, on Wednesdays and Thursdays, on May 3 and 4, in order to broadcast educational talks as described in program attached to letter of January 5, 1939.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 to 9:30 p. m., CST, on April 19, in order to broadcast a meeting of the Dairymen's Parody League.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station WCBN, aboard the aircraft *Yankee Clipper*, owned by Pan American Airways Co., on frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.**, in addition to the normal licensed frequencies, for the period April 19 to May 18, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda, Calif., to Port Washington, N. Y., to London and return, and to be broadcast over CBS.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period April 16 to May 15, pending completion of equipment tests of directional antenna authorized in grant of October 25.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to rebroadcast over station KVI portions of the conversation between short-wave stations of the Rainier National Park Service, April 15 and 16, in connection with the Silver Skis Downhill Race.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate a portable-mobile radio telephone transmitter with a temporary antenna system, using power output not to exceed 100 watts (unmodulated carrier) on the frequency **1110 kc.**, at locations in and near Hot Springs, Ark., from 1 hour after sunrise and ending not later than 1 hour before sunset, for a period not to exceed 30 days, in order to make measurements and investigations for the purpose of ascertaining site at which to locate the transmitter of KTHS, which it is proposed to move.

W2XMN—Edwin H. Armstrong, New York City.—Granted special temporary authority to rebroadcast the transmissions from experimental broadcast station W2XWC for the period ending no later than April 1, 1940.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast (experimental) station on frequency **25700 kc.** in lieu of normal licensed frequencies, for the period April 18 to May 17, pending definite arrangements to be made in the ultra high frequency bands.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10SCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequency **31.22** and **37.02 megacycles**, in lieu of present assignments **31.1** and **37.6 megacycles**, for the period April 20 to May 19, pending adjustment of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order No. 19.

W8XBF—William G. H. Finch, New York City.—Granted extension of special temporary authority to operate experimental broadcast station W2XBF on frequency **42260 kc.**, in addition to the normal licensed frequencies for the period April 21 to May 20, pending definite arrangements to be made in the ultra high frequency bands.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, for the period April 12 to May 11, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, or reduces power so that additional interference is not involved. This authority is granted conditionally, subject to change or cancelation by the Commission at any time without advance notice or hearing, if, in its discretion, the need for such action arises.

W2XMN—Edwin H. Armstrong, near Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency **42.8 megacycles**, power 40 KW, for the period April 15 to May 14, pending definite arrangements to be made in the ultra high frequency bands.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency **42060 kc.**, in addition to normal licensed frequencies for the period April 17 to May 16, pending definite arrangements to be made in the ultra high frequency bands.

W2XDG—National Broadcasting Co., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency **38.65 megacycles**, pending definite arrangements to be made in the ultra high frequency bands, for the period April 19 to May 18.

World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate two test transmitters for a period not to exceed 30 days, on 500 watts power, utilizing frequencies **15250** and **15130 kc.**, in order to test proposed transmitter locations for International Stations W1XAL and W1XAR.

APPLICATIONS FILED AT FCC

620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Modification of construction permit (B3-P-1471) for a new station, requesting changes in transmitting equipment, and move of transmitter from Block 27, Wichita County, Lake Wichita Road, Near Wichita Falls, Tex., to Resettlement Road, Wichita Falls, Texas, and specify studio site as 800 Eighth St., Wichita Falls, Texas, extend commencement and completion dates from 4-27-39 and 10-27-39 for 30 days after grant and 120 days thereafter.

680 Kilocycles

VLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to make changes in equipment.

810 Kilocycles

VNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of license to change hours of operation from daytime to specified hours (6 a. m. to 11 p. m., EST).

1100 Kilocycles

EW—Atlantic City Broadcasting Co., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on **1100 kc.,** 5 KW, share WBIL facilities WPG, contingent on WPG's move. Amended: To request specified hours.

1200 Kilocycles

VHBY—WHBY, Inc., Greenbay, Wisc.—Modification of construction permit (B4-P-2289) for move of transmitter, new transmitter and antenna, further requesting approval of antenna and approval of studio and transmitter site at 103 College Ave., Appleton, Wisc., changes in equipment.

EW—M. C. Reese, Phoenix, Arizona.—Construction permit for a new station on **1200 kc.,** 100 watts, 250 watts day, unlimited time. Amended: Transmitter site to be determined, Phoenix, Arizona.

VENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Modification of construction permit (B1-P-1461) as modified for new station, to change hours of operation and power from 250 watts daytime operation to 100 watts night, 250 watts day, unlimited hours of operation; extend commencement and completion dates 60 and 180 days, respectively.

1210 Kilocycles

VPIV—Petersburg Newspaper Corp., Petersburg, Va.—Modification of construction permit (B2-P-1475) for a new station requesting approval of antenna, and approval of studio and transmitter sites at Wythe St., Petersburg, Va.

VJMC—Walter H. McGenty, Rice Lake, Wis.—License to cover construction permit (B4-P-1231) for new station.

1250 Kilocycles

VNEW—WODAAM Corp., New York, N. Y.—Modification of license to increase power from 1 KW night, 5 KW day, to 5 KW day and night.

1310 Kilocycles

EW—Roy E. Martin, Opelika, Ala.—Construction permit to erect a new station to be operated on **1310 kc.,** 100 watts night, 250 watts day, unlimited time.

WOS—Tribune Printing Co., Jefferson City, Mo.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

1370 Kilocycles

RE—Central California Broadcasters, Inc., Berkeley, Calif.—Modification of license to increase night power from 100 watts to 250 watts.

1400 Kilocycles

VVFW—Paramount Broadcasting Corporation, Brooklyn, N. Y.—Modification of construction permit B1-P-918 as modified for equipment changes, requesting further equipment changes and extension of commencement and completion dates from 4-13-39 and 8-13-39 for 30 and 120 days, respectively.

VLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—License to cover construction permit (B1-P-2265) for changes in transmitter and antenna.

1420 Kilocycles

VBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license from The Coliseum Place Baptist Church to WBNO, Inc.

VCBS—WCBS, Inc., Springfield, Ill.—Construction permit to install a new transmitter, directional antenna for night use; change frequency from **1420 kc.** to **1290 kc.,** power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day; move transmitter to 3.5 miles southeast of city, Route 24, Springfield, Ill. Amended: antenna changes.

1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to change specified hours to hours now used by WCNW plus all hours now used by Station WMBQ (requesting facilities of WMBQ). Amended to request unlimited time, and facilities of WWRL in addition to WMBQ's.

MISCELLANEOUS

NEW—The Associated Broadcasters, Inc., Portable-Mobile—Construction permit for new relay broadcast (experimental) station on frequencies **38900, 39100, 39300, 39500 kc.,** power 2 watts, emission A3.

WIXAR—World Wide Broadcasting Corp., Norwood, Mass.—License to cover construction permit (B1-PIB-15) for new international broadcast station. (Section 8)

NEW—City of New York, Municipal Broadcasting System, New York, N. Y.—Construction permit for a new relay broadcast station on **1622, 2058, 2150, 2790 kc.,** 50 watts.

NEW—City of New York, Municipal Broadcasting System, New York, N. Y.—Construction permit for new relay broadcast station on **1622, 2058, 2790, 2150 kc.,** 50 watts.

NEW—The Louisville Times Co., Louisville, Ky.—Construction permit for a new facsimile station on **25700 kc.,** 500 watts, unlimited time. A3 and A4 emission, located at Ash Lane, 2⅜ miles N. E. of Eastwood, Ky.

NEW—The Louisville Times Co., Louisville, Ky.—Construction permit for a new relay broadcast station (low frequency) on **1646, 2090, 2190, 2830 kc.,** 50 watts power, A3 emission.

NEW—Gazette Printing Co., Janesville, Wisc.—Construction permit for new relay broadcast station (experimental) on **31100, 34600, 37600, 40600 kc.,** 10 watts, unlimited time, A-3 emission.

NEW—Gazette Printing Co., Janesville, Wisc.—Construction permit for new relay broadcast station (experimental) on **37600, 40600, 31100, 34600 kc.,** 10 watts, unlimited, A-3 emission.

WRDI—Northwestern Publishing Company, Danville, Ind.—License to cover construction permit for new low frequency relay broadcast station.

WIXLU—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of license to change power from 5 watts to 0.2 watts and correct the maximum rated carrier output of transmitter.

WIXT—The Travelers Broadcasting Service Corp., Area, Connecticut—Modification of license to reduce operating power and correct maximum rated carrier power of transmitter to specify 25 watts instead of 100 watts.

NEW—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit for new high frequency broadcast station to be operated on **40300, 41200, 41600, 41800 kc.,** 2 kilowatts, unlimited time.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Construction permit for new high frequency broadcast station on **43200 kc.,** 1000 watts, unlimited time.

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, doing business as Jansky & Bailey, vicinity of D. C.—Modification of construction permit (B1-PHB-45) as modified, to change transmitter and antenna, and frequency monitor, and extend completion date to 120 days after grant.

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile.—Construction permit for a new television broadcast station on **60000-86000 kc.,** also **156000-162000 kc.,** 50 watts power, aural and visual. Emission A3 and A5.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit for changes in equipment, add frequencies **60000-86000 kc.,** and increase aural and visual power to 5 KW.

NEW—Allen B. DuMont, Laboratories, Inc., Manhattan, N. Y.—Construction permit for a new television broadcast station located at 515 Madison Ave., New York City, on frequency band **60000-86000 kc.,** aural and visual power of 1 KW, emission A3 and A5.

NEW—Allen B. DuMont, Washington, D. C.—Construction permit for a new television broadcast station located at 14th and F Sts., Washington, D. C., on **42000-56000, 60000-86000 kc.,** aural and visual power, 1 KW.

NEW—Kolorama Laboratories, Inc., Irvington, N. J.—Construction permit new television station on **2000-2100 kc.,** 500 watts power, visual only. A5 emission. Located at 168 Coit St., Irvington, N. J.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Fels & Co., Philadelphia, manufacturer of soap chips, including "Fels Naptha Soap Chips," is charged with misleading representations in the sale of that product, in a complaint.

In its advertising literature and on containers, the respondent company is alleged to have advertised to the effect that "Fels Naptha Soap Chips" is a superior detergent because of its naptha content; that it contains a sufficient amount of naptha to enhance substantially its value and cleansing power, and that at the time it reaches the consumer it contains a sufficient amount of naptha to be effective.

The complaint alleges that these representations are exaggerated and misleading in that the product does not contain a sufficient amount of naptha to enhance its value and increase its cleansing power, and contains neither a sufficient amount of naptha nor of any other petroleum distillate to warrant its being labeled as a naptha product. (3755)

Wyeth Chemical Company, Jersey City, N. J., distributor of "Freezone" for removing corns and calluses, has been served with a complaint alleging misrepresentation in the sale of its product.

In newspaper and periodical advertising the respondent company is alleged to have represented directly and by implication that use of its preparation will cure corns and calluses and prevent formation and recurrence thereof, and will promptly stop the pain caused by corns and prevent its recurrence.

These representations are alleged to be false, misleading and untrue. The complaint charges that the preparation will not accomplish the results claimed, although it may have an analgesic effect and mitigate pain caused by corns.

In newspaper, periodical and radio advertising the respondent company is alleged to have represented directly and by implication that corns have roots, and that its preparation will remove such roots, will deaden pain caused by corns and prevent its recurrence, and that the entire corn can be removed by use of the fingers through one application of the preparation.

The complaint charges that in fact corns do not have roots, and that consequently the preparation will not remove roots. The complaint points out that while "Freezone" may have an analgesic effect and mitigate the pain, it will not deaden it and prevent recurrence. Neither can the entire corn be removed by use of the fingers through one application of Freezone, as it is necessary to make repeated applications and remove the cornified layers gradually by peeling off the tissue dissolved after each application of the preparation, according to the complaint. (3754)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Charles Cluthe & Sons—Frederick Cluthe, trading as Charles Cluthe & Sons, Bloomfield, N. J., and Charles Cluthe & Sons, a corporation, has been ordered to discontinue misleading representations in the sale of truss appliances.

Among representations found to have been made by the respondents in their advertising were that their product is a new kind of truss which will overcome rupture troubles and enable a ruptured person to engage safely in the severest exercise and strain.

The respondents also were found to have represented that elastic or spring trusses manufactured by competitors are not adapted to the body.

These representations were found to be false and misleading in violation of the Federal Trade Commission Act and the respondents were ordered to cease and desist from making them. (3512)

Idaho Candy Company—Prohibiting the use of lottery methods in the sale of candy to the ultimate consumer, an order to cease and desist has been issued against Idaho Candy Company, Boise, Idaho.

The order prohibits sale and distribution of candy or other merchandise so packed and assembled that such sale is to be made or may be made by means of a lottery device.

The order also forbids placing in the hands of dealers assortments of candy or other merchandise which may be used without alteration of the contents to conduct a lottery, and the placing in the hands of dealers such assortments together with push cards, punch boards or other lottery devices. (3130)

Karl Mayer Company—See Allen B. Wrisley Company.

Motor Equipment Specialty Company—Prohibiting unfair representations in the sale of two devices for use in the upkeep of automobiles, an order to cease and desist has been issued against Hiram E. Barber, operating as Motor Equipment Specialty Company, Beaver City, Nebr. Barber sells the Mesco Fender Roller for removing dents and the Universal Wheel Check for adjusting wheel alignment.

In his efforts to obtain salesmen, Barber was found to have misrepresented the possibilities of earnings, the efficiency and merchantability of his products and the terms and conditions of sale.

The order forbids the representation of any specified sum as possible earnings or profits of salesmen or distributors for any given time which is not a true representation of the average net earnings consistently made by the respondent's full-time agents. It was found that none of the salesmen obtained by the respondent as a result of his advertising made earnings even approaching those achieved by certain individuals cited as examples. (3617)

Real Soap Company—See Allen B. Wrisley Company.

Twentieth Century Business Builders, Inc.—"Count the dot" and "count the block" sales promotion plans were the subject of a cease and desist order issued in which Twentieth Century Business Builders, Inc., a corporation, and Edwin I. Gordon, an individual, are respondents. Gordon is the general manager of the corporation, whose place of business is located at 917 Furniture Mart Building, Chicago.

Findings of the Commission are that the respondent, in connection with the plans, sells and distributes to retail merchants certain advertising mats which reproduce what is known to the trade as "count the dot" or "count the block" puzzles. The dots are superimposed upon photographs or reproductions of merchandise sold by merchants using the plan, and announcements are made that upon a given day the dealer or merchant will give, free of charge, to the person most closely approximating the number of dots or blocks in the picture, certain items of merchandise represented to be of a stated value.

It is further represented that the person submitting answers or solutions to such puzzles nearest the correct answer will receive vouchers or checks redeemable in the merchandise sold at the stores of the retail dealers. Representations are made that only a stated number of these vouchers and checks are issued by the retail merchant. (2774)

Allen B. Wrisley Company, and Allen B. Wrisley Distributing Company, also trading under the name of Regal Soap Company, both of 6801 West 65th St., Chicago, and Karl Mayer, George A. Wrisley and Wrisley B. Oleson, trading as Karl Mayer & Co., Merchandise Mart, Chicago, have been ordered to cease and desist from misrepresentation of the olive oil content of soaps manufactured and distributed by them.

Among the brands of soap manufactured, labeled, wrapped and distributed by the respondents are Wrisley's Oliv-ilo, Wrisley's Oliv-skin, Royale Olive Oil Pure, Palm and Olive Oil Soap and Purito Olive Oil Castile.

Findings of the Commission are that these brands contain only 5 to 15 per cent olive oil or olive oil foots. Del Gloria Castile, another brand distributed by Karl Mayer & Co., contained 36 per cent olive oil prior to the Fall of 1936, and since that time approximately 51 per cent.

The respondents are ordered by the Commission to cease and desist from using the word "olive" or any combination of words of similar import to describe or in any way refer to soap, the oil or fatty content of which is not wholly olive oil, except that in the case of soap containing olive oil and other oils as the fatty content, the word "olive" may be used as descriptive of the olive oil content if there is used in immediate connection or conjunction with it, in letters of at least equal size and conspicuousness, words truthfully describing each constituent oil in the order of its predominance by volume, beginning with the largest single oil constituent. (3021)

STIPULATIONS

The Commission has entered into the following stipulations:

Richard Hudnut, New York cosmetics corporation, has entered into a stipulation to cease misleading representations in advertising its products.

The respondent corporation agreed to discontinue advertising that any of its products will of itself affect the shape of the facial contour or will prevent or eliminate wrinkles and signs of age, regardless of cause; or that any of the respondent's products is a skin food or that use of any of these preparations will "banish" fatigue.

The respondent also agreed to cease representing that application of the principles involved in its recommended Beauty Angle Treatment will restore vitality to the skin, eliminate sallowness, bumps or blotches, or constitutes the natural way to achieve any given results, or is the only treatment by which the circulation is stimulated naturally. (02357)

Magic Snap-On Dress Company, Inc.—Two New York garment companies have entered into stipulations to cease misleading representations in the sale of women's popular priced dresses. They are Magic Snap-On Dress Co., Inc., 462 Seventh Ave., and Roselle Frocks Manufacturing Co., Inc., 1350 Broadway.

Each company sells dresses equipped with snap fasteners patented by another concern which licensed their use by the respondents. Each respondent agreed to cease using on tags or labels attached to or accompanying the dresses it sells, statements such as "Protected by patents granted," or assertions of similar meaning, the effect of which is to convey the belief that the products referred to are actually protected by virtue of existing granted patents, when this is not a fact. The respondents also agreed to discontinue use of the phrase "Protected by patents pending" or assertions of similar meaning, implying that a pending application for a patent affords protection to the applicant against infringement prior to issuance of a patent. The stipulations point out that the mere application for patents on garments does not warrant the implication of patent protection thereon. (2429-2430).

J. V. Mulligan, 1110 F St., N. W., Washington, D. C., dealer in class, school and fraternity jewelry, has entered into a stipulation to cease and desist from misrepresentation in the sale of his merchandise.

The respondent agrees to discontinue, in advertising or sales representations, or as a stamp, marking or label for his rings or other articles, use of the term "10-K," or words, phrases, statements or representations of similar import as descriptive of a ring or other article of which the gold content is other than 10 carats or better of fine gold throughout, and to cease guaranteeing or otherwise representing that an article offered for sale is of a specified quality, when he does not in fact replace inferior article thus sold with others that would meet the specifications stated. (2431)

Pennsylvania Salt Manufacturing Co., 1000 Widener Building, Philadelphia, engaged in the sale of a flake or powder caustic designated Lewis' Lye, has entered into a stipulation to cease misleading representations in the sale of its product.

Among representations to be discontinued are that the respondent's lye is the best on the market; that it is "kind to your hands" or "safe for the most delicate fabrics"; that it can always be relied upon for satisfactory results; that it kills worm eggs, germs and bacteria, and, that when fed to hogs, it is a "general conditioner" or controls hog mange. (02358)

Purina Mills—See Ralston Purina Company.

Ralston Purina Company, trading as Purnia Mills, St. Louis, and Standard Chemical Manufacturing Company, Omaha, have entered into stipulations to discontinue misleading representations in the sale of feed products.

The St. Louis company agreed to cease representing that by feeding "Purina Sow and Pig Checkers" one will obtain more pigs per litter, when farrowed, or will have more pigs living at weaning time or will have pigs that will weigh more at any time, unless these representations are limited to cases where an unbalanced or deficient ration has theretofore been fed.

This company also agreed to desist from advertising that by feeding "Purina Chick Startena" one may be assured of healthy chicks, or chicks weighing more than if they had been fed other feeds, unless such claims are limited to cases where failure to get optimum results are due to improper feeding.

The respondent stipulated that it will cease representing that by feeding "Purina Cow Chows" one may under all conditions obtain more milk from dairy cows or be assured of any definite increase in milk production.

The Omaha company stipulated that it will cease advertising that feeding chickens its product "Egg O Day," will build health, stimulate egg glands, prolong productive life or make better hatching eggs, that the preparation is a tonic, or that by using a package of "Egg O Day," $2 worth or any other quantity of extra eggs can be obtained. (02359-02960).

Roselle Frocks Mfg. Company, Inc.—See Magic Snap-On Dress Company, Inc.

Standard Chemical Manufacturing Company—See Ralston Purina Company.

Universal Supply Company—Trading as Universal Supply Company, G. R. Nagel, San Antonio, Tex., has entered into a stipulation to cease misleading representations in the sale of a plan for selling advertising space on laundry cards. Nagel agreed to stop advertising that under his plan no capital is needed. He admitted that an initial expenditure for printing is generally necessary. Nagel also agreed to discontinue misleading representations of possible earnings by purchasers of the plans he sells. (02361)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 16, April 21, 1939

The Week In Washington

Studiously avoiding the monopoly issue, the Supreme Court this week directed a district court in Florida to proceed with a case to determine whether that State's anti-ASCAP law was constitutional. At the same time the court decided that a similar case involving the State of Washington's law was not properly in the Federal Courts.

In a vigorous dissent, however, Justice Hugo Black, agreed with Florida's Attorney-General that ASCAP constitutes a price fixing monopoly in violation of Anti-Trust Laws and that the case should be dismissed. He strongly criticized the Court for refusing to throw out a suit brought by "a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence".

A Senate Interstate Commerce sub-committee favorably reported the Johnson (D-Col) Bill to ban both beer and liquor advertising on the air. Efforts to stop the bill in the full Committee are under way. Beer advertising accounted for $1,268,638 of the broadcasting industry's revenue last year.

The FCC's hearing on network broadcasting, monopoly "and related matters" came to an end Wednesday after the Commission had taken seventy volumes of testimony and received 662 exhibits. The Commission Committee in charge of the hearing took under advisement a motion by Louis G. Caldwell, counsel for Mutual, that the Commission ban renewal of network contracts beyond December 31, 1940. Both CBS and NBC protested.

Reports to Headquarters indicated practically 100 per cent cooperation and excellent results in the "Open House Week" which started off the NAB-RMA campaign to promote the American System of Broadcasting.

Legal

U. S. SUPREME COURT DECIDES TWO ASCAP CASES

The United States Supreme Court, on Monday, April 17, rendered its long-delayed decisions on the technical point of jurisdiction of the federal court involved in the ASCAP suits against officials of the States of Florida and Washington. ASCAP had sued the officials of both states to enjoin them from enforcing the provisions of the respective state statutes enacted in 1937 which sought to curb price fixing activities of copyright pools.

The state officials in both cases moved to dismiss ASCAP's petition on the grounds that ASCAP failed to show the $3,000.00 jurisdictional amount necessary to give the federal court jurisdiction of the cases. In the Florida case, the lower court determined that it had jurisdiction and granted a preliminary injunction, whereas the lower court in Washington determined that the jurisdictional amount was not established and therefore dismissed the suit. Appeals were taken to the United States

(Continued on page 3430)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

U. S. SUPREME COURT DECIDES TWO ASCAP CASES

(Continued from page 3429)

Supreme Court by the Attorney General of Florida and by ASCAP in the respective cases. Incidental in the Florida appeal was the claim that ASCAP constituted a price fixing monopoly violating anti-trust laws and as such should not receive aid from a court of equity.

Although the majority of the court concluded in the Florida case that the jurisdictional amount had been established and therefore remanded the case to the lower court for the purpose of taking evidence, Mr. Justice Black, in a vigorous and powerful dissenting opinion, stated that ASCAP is *"a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence. Such a monopolistic combination's power to fix prices is the power to destroy."* He forcefully criticized the majority of the court for delaying a decision on ASCAP's illegal price fixing until after testimony is taken. He pointed out that a careful scrutiny of "appellee's bill for injunction reveals no allegations indicating that Florida's power to prohibit monopolistic price fixing would * * * be altered by proof of any particular economic facts which are properly the subject of evidence and of findings," and further said:

> "If the States have somehow lost their historic power to prohibit monopolistic price fixing combinations before presentation of evidence to a federal court, at what point in our history and in what manner did they lose it? The people have not exercised their exclusive authority, by Constitutional amendment, to strip the States of their power over price fixing combinations and thus raise monopoly above the traditional power of legislative bodies.
>
> "It was expressly conceded at the bar that Florida had the Constitutional power to prohibit price fixing combinations unless the copyright laws limited this power. And, since argument of the present case, a decision rendered by us February 13, this year, made clear the principle that the copyright laws grant no immunity to copyright owners from statutes prohibiting monopolistic practices and agreements. We there declared that 'An agreement illegal (by statute) because it suppresses competition is not any less so because the competitive article is copyrighted.'" *Interstate Circuit, Inc., v. United States.*

Mr. Justice Black's opinion is important in the copyright problem and constitutes a landmark in that, for the first time in ASCAP's history, a judge unequivocally has held ASCAP to be an illegal price fixing combination violating anti-trust laws.

The majority opinion deals exclutively with the jurisdiction of the federal court, stating that other issues can be more satisfactorily disposed of upon final hearing. The basis for sustaining jurisdiction is that the members of ASCAP's "have a common and undivided interest in the matter in controversy" and that this is represented by the total license fees taken from the state. An analysis of the majority opinion discloses an apparently studied effort to avoid mention of the monopoly. It has been suggested that, if the court had not adopted this method but had followed Mr. Justice Black's opinion, it would have left on the statute books of Florida a statute which in many respects is considered by attorneys to be unconstitutional. These provisions are Section 2 and related sections, which provide that the purchaser of sheet music shall obtain for the price of the sheet music the right to perform that music publicly for profit for the duration of the copyright. It has been suggested that, since the Supreme Court could not pass upon the constitutionality of these sections in the present proceeding but must wait until such question is before it after final adjudication by the lower court, the majority recognized the irreparable damage which would be sustained by copyright owners and therefore avoided all reference to the monopoly. Attorneys say that support is given to this suggestion when the apparently studied care of the majority to avoid mention of monopoly or mention of any facts in the record which disclosed monopoly are considered in conjunction with Mr. Justice Black's forceful argument and the further fact that the decision normally would have been rendered in early February. It is said further support is found in Mr. Justice Black's statement that, even after the taking of testimony, there is nothing to indicate "that Florida's power to prohibit monopolistic price fixing would * * * be altered" and his references to "suspension of the Florida statute until evidence is heard by the court." He pointed out that "Thus, while the law is suspended, these non-resident appellees can carry on a monopolistic business in Florida contrary to its prohibitions, and the people of Florida who must pay monopoly prices are granted no protection." Added significance may be drawn from the fact that, if the majority of the court had disagreed with Mr. Justice Black on the illegality of the ASCAP price fixing combination, they could have so stated. The monopoly issue definitely was before the court for consideration, and it has been suggested that, if the majority had believed ASCAP's price fixing was legal, they would not have avoided the question.

In discussing ASCAP's monopolistic price fixing, Mr. Justice Black said:

> "Even according to the comparatively new judicial formula here applied, the only issue is whether 'novel . . . unique' or 'grave constitutional questions' are raised by the charge that these state officials will perform their sole duty under the Florida statute of prosecuting appellees for violations of the prohibitions against monopolistic price fixing. Paraphrasing this formula, the question here actually becomes: *When complainants charge in a Federal*

> *Court of Equity that a State has passed, and its officers are about to enforce, a law against monopolistic price fixing, is there so much doubt about the power of the State to prohibit monopolistic price fixing that operation of the law must be enjoined and effect denied to it until evidence is heard by the Court?*
>
> "Here, both the very bill upon which the injunction now approved was granted and affidavits of record establish beyond dispute appellees' flagrant violation of the Florida law by combining to fix prices. This combination apparently includes practically all (probably 95%) American and foreign copyright owners controlling rendition of copyrighted music for profit in the United States. *Not only does this combination fix prices through a self-perpetuating board of twenty-four directors, but its power over the business of musical rendition is so great that it can refuse to sell rights to single compositions, and can, and does require purchasers to take, at a monopolistically fixed annual fee, the entire repertory of all numbers controlled by the combination.* And these fees are not the same for like purchasers even in the same locality. Evidence shows that competing radio stations in the same city, operating on the same power and serving the same audience, are charged widely variant fees for identical performance rights, not because of competition, but by the exercise of monopoly power. Since it appears that music is an essential part of public entertainment for profit, radio stations or other businesses arbitrarily compelled to pay discriminatory fees are faced with price fixing practices that could destroy them, because the Society has a monopoly of practically all—if not completely all—available music. When consideration is also given to the fact that an arbitrarily fixed lower rate is granted to a favored station itself controlled by another instrument of public communication—a newspaper—the ultimate possibilities for control of the channels of public communication and information are apparent.
>
> "*We have here a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence. Such a monopolistic combination's power to fix prices is the power to destroy.* Should a Court of Equity grant this combination the privilege of violating a State anti-monopoly law? (*Cont'l Wall Paper Co. v. Voight & Co.*, 212 U. S. 227, 262, affirming 148 Fed. 939, and others.) Does a State law prohibiting such a combination present 'grave constitutional questions?'
>
> "It is my position that a State law prohibiting monopolistic price fixing in restraint of trade is not 'novel' and 'unique' and raises no 'grave constitutional questions.' *The constitutional right of the States to pass laws against monopolies should now be beyond possibility of controversy.* 'That State legislatures have the right . . . to prevent unlawful combinations to prevent competition and in restraint of trade, and to prohibit and punish monopolies, is not open to question,' (*Waters-Pierce Oil Co. v. Texas*, 212 U. S. 86, 107, and others) and few have challenged the power of State legislatures to ordain that 'competition not combination, should be the law of trade.' (*National Cotton Oil Co. v. Texas*, 197 U. S. 115, 129, and others.) Surely, there is presently no basis to doubt this power and to assert that its exercise raises 'grave constitutional questions.' As recently as 1937, this Court held that Porto Rico, with legislative powers not equal to, but 'nearly as extensive as those exercised by any State legislature,' could prohibit monopolistic price fixing as one of the 'rightful subjects of legislation' upon which legislatures act. (*Puerto Rico v. Shell Co.*, 302 U. S. 253, 260, 261.)"

In the Washington case, the majority of the Supreme Court concluded that the lower court should have heard evidence on the question of the jurisdictional amount at the time such evidence was offered by ASCAP. This offer was made after the lower court had filed its opinion, but before a decree was entered. The lower court did not refuse to accept the testimony on the grounds that the time had expired during which it should have been offered but based its refusal on the grounds that it was immaterial. Under these circumstances, the Supreme Court decided that error had been committed by the lower court and remanded the case for the taking of testimony on the jurisdictional amount.

The majority opinions in both the Florida and Washington cases pointed out the distinction between the statutes in the respective states. The court found that the Florida statute prohibited ASCAP from doing business within the state and therefore was "prohibitory." On the other hand, it found that the Washington statute permitted ASCAP to do business provided license fees were on a per-piece basis and that this was merely regulatory.

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WOW LOSES APPEAL

The United States Court of Appeals for the District of Columbia on Monday, April 17, decided against WOW in its appeal from the decision of the Commission, granting the application of WKZO. In 1934 WKZO asked leave of the Commission to move its transmitter site, to change its equipment and power, and to change its hours of operation from daytime to unlimited time. Both stations operate on 590 kc.

The Court upheld the Commission, stating that a denial of the application would result in a "denial to the City of Kalamazoo of night radio service on a record which preponderantly shows that this can be had without resulting in objectionable interference to WOW or any other station."

AMENDMENT TO COMMUNICATIONS ACT PROPOSED

A bill was introduced in Congress April 17th (H. R. 5791) and has been referred to the Interstate and Foreign Commerce Committee, which would amend the Communications Act by providing that it shall be unlawful to record a program without the consent of the performer or performers.

Violation of the provision is made punishable under Section 501, which provides for a fine of not more than $10,000, or imprisonment for not more than two years, or both.

BILLS AFFECTING BROADCASTING

CONGRESS

H. R. 5791 (Mr. Schulte, Indiana) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee.

STATE LEGISLATION

Michigan:

S. 469 (Flynn) RADIOS IN CARS—Relating to the use of short wave radios in automobiles. Referred to State Affairs Committee.

Pennsylvania:

S. 558 (Eroe) RADIO BROADCASTING STATIONS—Making it lawful for fifth class counties to erect and maintain radio broadcasting stations. Referred to County Government Committee.

LIQUOR ADS

The Senate Committee on Interstate Commerce on Thursday ordered a favorable report on the Johnson (D-Colo) bill (S. 517) to ban beer and liquor advertising on the air.

Previous to this action a three-man subcommittee, made up of Senator Johnson, Senator Andrews (D-Fla) and Senator Gurney (R-SD), too favorable action over the protest of the NAB, the American Federation of Labor and others. Both the NAB and the A. F. of L. contended enactment of the bill would constitute an extremely dangerous precedent.

A decline in the amount of hard liquor advertising carried by broadcasting stations this year is indicated by returns to an NAB questionnaire. Revenue from this source for January and February was $1,943 for nine stations. During the whole of 1938, 14 stations received $23,202. Four hundred and thirty-eight stations answered the questionnaire. Beer accounts in 1938 were reported by 317 stations and accounted for $1,268,638 revenue.

The indicated decline of hard liquor advertising during the first two months of 1939 is undoubtedly attributable to the NAB Board of Directors resolution of December 13, 1938, that "American broadcasting stations should not carry distilled spirits advertising."

A full report on returns to the questionnaire is being mailed to all stations which made returns.

Proposed FCC Rules

In last week's reports, the analysis of the report of the Committee to the FCC on Proposed Rules Governing Standard Broadcast Stations and Standards of Good Engineering Practice covered those sections dealing with allocation. The present article covers the remaining engineering sections.

The sections not dealing with allocation cover in detail Rules and Standards on the construction and operation of broadcast equipment. These items are arranged and explained clearly in the report. Moreover, there are provided two appendices which list the changes of the proposed rules with those now in force (Appendix XI), and also the modification of the proposed rules from those originally proposed at the hearing of June 6, 1938 (Appendix X). It would be difficult to improve on the arrangement of the report to aid broadcasters in analyzing the effect upon them of the detailed changes proposed in the Rules. In the following analysis, therefore, only the more important features of the proposed rules and standards are considered. For the exact wording of the provisions discussed, the original report should be referred to.

Rule 31.03. Paragraph 3 of this Rule define a daytime station. According to this paragraph, daytime stations may operate between 6 a.m. and average monthly local sunset. The old rule used to make it permissible to operate "until sunset at the dominant station if further West than the daytime station."

Paragraph 2 of this rule, however, permits the operation of some stations until sunset at the dominant station, if that station is located to the West. This paragraph is applicable, however, only to "limited time" stations, which are Class II stations operating on clear channels only.

Rule 31.04 lists the requirements for a new broadcast station or for increase in the facilities of an existing station.

Paragraph 1 of this rule has been modified from that originally proposed. Originally, an authorization for a new station, or new facilities, was to be dependent on showing that "the proposed programs are of such standards as to provide a meritorious service, including such cultural programs as may be required, to the listening public; but there is a need for such service; and that the necessary program material is available to provide such service." In its report, the Committee deleted this section on the grounds that it might conceivably lead to Government censorship of program material.

Paragraph 5 of this rule originally had a section requiring that an applicant for a Class IV station be a resident in and be familiar with the needs of the community to be served. In the Committee's report, this section is deleted on the grounds that it is a matter to be determined by the Commission in the consideration of an individual case.

Rule 31.12 is a new rule which covers special experimental authorization. It specifies the showing which an applicant must make when petitioning for special experimental authorization in addition to the regular license. The requirements of this rule are quite detailed. There is one clause of special importance to those stations that finance part of their experimental work by advertising during the experimental period. This section prohibits the transmission of any commercial or sponsored program, or any commercial announcement during such time of operation. It goes even further by prohibiting additional charges to be made in case other additional facilities are made available for experimental purposes by reason of transmission of such facilities.

Rule 31.14. This rule gives the expiration date of licenses and states that the license period is to be for one year instead of six months, as it is at present.

Rule 32.05. This rule deals principally with the antennas to be used. Section (a) of this rule indicates that existing stations whose antennas do not meet the Proposed Standards of Good Engineering Practice will not have to change their structures when the rules come into effect, but if they ask for additional facilities, they will have to meet these Standards of Good Engineering Practice, if such facilities are granted.

Section (e) of this rule prohibits the use of a common antenna of two stations, unless both stations are licensed to the same licensee. At the hearing some objection was raised to this rule and a suggestion was made that the use of a single antenna by two licensees ought to be permitted when an agreement suitable to the FCC was made between the two stations, or when the two licensees wre controlled by the same organization. In rejecting these suggestions, the Committee states that the rule is desirable from an administrative standpoint, and that it does not appear that an undue hardship is caused by the requirements of this rule.

Rule 33.04. This rule gives the formula for calculating the operating power by indirect measurement from the plate input power of the last radio stage. According to this rule, low power stations using this method of power measurement will have to reduce their output power. The basis is stated to be the increase of efficiency of modern equipment. The reduction in power, when the new rules would come into effect, for low power stations using the indirect method of measuring power is different in the report of the Committee from that originally proposed. The reductions are given in the following table:

Reduction in input power required owing to increased efficiency of equipment for stations employing plate modulation in last stage.

Maximum rated carrier power of transmitter	*Originally proposed at hearing of June 6, 1938*	*Proposed in Committee's report*
100 watts	17%	23%
250-1000 watts	8	8
5000 watts & over	7	7

Rule 33.12. This rule deals with the tolerance permissible in frequency. The present tolerance of 50 cycles is to be changed to 20 cycles.

Rule 33.16. This rule was a new rule requiring that certain clocks be maintained at the transmitter. The rule has been deleted in the Committee's report.

Rules 33.17 and 33.18. These rules cover in detail the use and operation of auxiliary transmitters. The Committee recommended a change in the rule as originally proposed, permitting identical transmitters to be used as main transmitters. If they are not identical or not located in the same place, one must be licensed as a main transmitter and the other an auxiliary transmitter.

Rule 34.05. This rule establishes a standard for proportionate division of time for the broadcast day for sharing time stations. One night hour is to be considered the equivalent of two day hours.

Rule 34.14. This rule is similar to the existing rule, but provision is made that daytime stations shall not operate prior to 6 a.m. local standard time for the transmission of regular programs.

Rule 34.17 to 36.04 go into great detail on the requirements for operating a station, keeping the logs, announcing programs, rebroadcasting, and conditions under which the station may permit a candidate for public office to use its facilities.

The Proposed Standards of Good Engineering Practice go into detail of requirements for the measurement of field intensities, the requirements for directional antennas, the requirements for measuring resistance, etc. They also cover details of equipment, including minimum antenna heights and ground systems, painting and lighting of antennas, safety requirements, construction and general operation, indicating instruments, etc. To engineers, a few points may be of more general interest. The term "unattenuated field at one mile" is replaced by the "effective field intensity at one mile." The effective field is taken to be that at a distance of two wavelengths from the antenna. The method of obtaining this value is described in detail on p. 2.1.

On p. 2.5 is given standards of measurement for measuring the field intensity of broadcast stations. The second paragraph on that page states that in presenting evidence, actual measurements will take precedence over theoretical values, provided such measurements are properly taken and presented. In the case of sky wave measurements, recordings are to be made on ten or more nights for sufficient periods each night to obtain reasonable average values. Existing stations may find this condition burdensome. It is well known that ten nights may indicate sky wave values which do not correspond to true average values. They may be taken during a year when the sun spot activity is such that waves are abnormally high or abnormally low, or they may be taken shortly after a magnetic storm, in which case the values will also be abnormal. An applicant for new facilities could, according to this standard, present evidence based on selected measurements, which could only be counteracted by similar measurements taken under different conditions and on different days. This provision may mean that the existing station will have to protect itself by making elaborate and extensive measurements every time a new applicant endeavors to interfere in some of its service area.

On p. 4.1 there is a description on selecting a site for a broadcast station. Of particular interest in this description is a table offered as a general guide to be used in determining the site from the point of view of limiting the blanket area. This is shown in the following table:

Selection of Site

Power of Station	*Population of City or Metropolitan Area*[1]	*Approx. Radius of Blanket Area 250 MV/M*	*Site-Distance from Center of City (Business or Geographical)*	*Maximum Percentage of Total population in Blanket Area*[1]
100 watts	5,000-50,000	0.15 mi.	½-1 mi	1%
100 watts	50,000 or more	0.15 mi.	[2]	...
250-500 watts	5,000-150,000	0.3 to 0.5 mi.	1-3 mi.	1%
250-500 watts	150,000 or more	0.3 to 0.5 mi.	[2]	...
1 kilowatt	5,000 to 200.000	0.6 to 0.9 mi.	2-5 mi.	1%
1 kilowatt	200,000 or more	0.6 to 0.9 mi.	[2]	...
5-10 kilowatts	All	1.5 to 2.5 mi.	5-10 mi.	1%
25-50 kilowatts	All	3.0 to 4.5 mi.	10-15 mi.	1%
				1%

There is also given a table which is valuable in estimating the ground conductivity in different directions from the transmitter, for purposes of calculating the service area of the station and the interference it may produce. This table is reproduced here.

Ground Conductivities

Type of Terrain	*Inductivity.*	*Conductivity*	*Absorption factor at 50 miles, 1000 kc*[1]
Sea water, minimum attenuation	81	4.64×10^{-11}	1.0
Pastoral, low hills, rich soil, typical of Dallas, Texas area	20	3×10^{-13}	0.50
Pastoral, low hills, rich soil, typical of Ohio and Illinois	14	10^{-13}	0.17
Flat country, marshy, densely wooded, typical of La. near Mississippi River	12	7.5×10^{-14}	0.13
Pastoroal, medium hills, and forestation, typical of Md., Pa., N. Y., exclusive of mountainous territory and sea coasts	13	6×10^{-14}	0.09
Pastoral, medium hills and forestation, heavy clay soil, typical of central Va.	13	4×10^{-14}	0.05
Rocky soil, steep hills, typical of New England	14	2×10^{-14}	0.025
Sandy, dry, flat, typical of costal country	10	2×10^{-14}	0.024
City, industrial areas, average attenuation	5	10^{-14}	0.011
City, industrial areas, maximum attenuation	3	10^{-15}	0.003

This is a new requirement of special interest to stations that have used concentric lines to feed their radiators. It is provided on p. 12.4a that duplicate transmission lines are required in such cases. This provision has been added by the Committee in its report and was not in the Standards of Good Engineering Practice as originally proposed.

On p. 18.1 is listed the money required to construct and complete electrical tests of stations of different classes and power. Since this section may be of interest to many stations, it is reproduced below in complete form.

Rule 31.4 (4) requires that an applicant for a standard broadcast station show that it is financially qualified to construct and operate the proposed station.

It is considered that the money specified below is required to construct and complete electrical tests of a new standard broadcast station of the class and power indicated, in accordance with the requirements of the Rules and Regulations of the Commission and Good Engineering Practice.

Power and Class of Station	*Money Required*
100 Watts Class IV	$6,500
250 Watts Class IV	8,500
250 Watts Class II	10,000
500 Watts Class II or III	22,500
1000 Watts Class II or III	25,000
5 kw Class II or III	40,000
10 kw Class I or II	65,000
25 kw Class I or II	175,000
50 kw Class I or II	200,000

Attention is invited to the fact that the above figures are considered the minimum required for satisfactory installation, including the transmitter, antenna system, monitoring equipment and equipment for one large and one small studio of average dimensions and equipment including microphones, speech input equipment, and usual acoustical treatment, but exclusive of the cost of land and buildings and organization and development costs. More elaborate installations including directional antenna would increase the cost accordingly.

The other requirements and recommendations comprised in the Proposed Standards of Good Engineering Practice go into such detail that they cannot be satisfactorily abstracted.

In conclusion, it may be pointed out that the Proposed Standards of Good Engineering Practice have increased the requirements made by the FCC on the operation of a broadcast station.

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[1] The total population is the population of the city sought to be served except in those instances when the station is to be located in an area classified by the Department of Commerce, Bureau of Census, as a metropolitan area, in which case the population of the metropolitan area shall apply, provided, however, that when the power of the station is such that all the metropolitan area cannot be served, the population that will actually be served shall determine. The population figures are those determined by the latest official census and where greater population is claimed, the burden of proof is on the applicant.

[2] In these instances it is usually necessary to locate the station within the city in order to render satisfactory service throughout the city. Such sites shall be in or near the center of the business district and under no circumstances will a site in the residential area be approved.

[1] This figure is stated for comparison purposes in order to indicate at a glance which values of conductivity and inductivity represent the higher absorption. This figure is the ratio between field intensity obtained with the soil constants given and with no absorption.

There does not appear to be any section which reduces any of the present requirements and the whole trend seems to be toward increasing details of regulation. There is a possible alternative for such detailed regulation by requiring that the performance of a station, measured by the service rendered, reaches a certain minimum standard, leaving the broadcaster to use whatever method he desires to achieve this result. There are many arguments for and against both these methods of regulation. That used by the FCC is to regulate method of achieving performance rather than the performance itself. On the assumption that this method is the best, the Engineering Committee of the NAB considered that, with the exceptions of some provisions, and a feeling that the rules and standards were becoming too detailed, the Engineering Division of the FCC were to be congratulated on having consolidated the regulations relating to standard broadcasting and for having clarified many of the points that have been in doubt for a good many months, if not years.

Raymond Wilmotte.

Monopoly Hearing

APRIL 13

Transcriptions again were discussed, with Cyril O. Langlois, of Langlois and Wentworth, Inc., and Langworth Feature Programs, Inc., and J. R. Poppele, WOR, representing Radio Quality Group Service, on the stand.

APRIL 18

Fred Weber, general manager of Mutual, suggested that exclusive network contracts should be eliminated and that five-year contracts were too long. He also suggested some limitation on time options, and said that a fourth "restrictive" factor was "one company operating two sets of networks." Asked whether he thought some Commission action on network contracts was needed, he said "it is absolutely necessary."

Elliott Roosevelt, president of the Texas State Network, appearing as a Commission witness, suggested that networks "probably should be licensed to operate" as such. He said he did not "think it necessary for the Commission to definitely set up hard and fast rules with regard to option time * * * other than to see that there is no restraint of competition." He said he didn't think exclusive contracts were necessary, but disagreed with Mr. Weber about any limit on their length.

Joseph N. Weber, president of the American Federation of Musicians, urged the Commission to continue its rule requiring announcement of transcribed programs as such. He maintained that a trained musician could tell the difference between a "live" show and a recorded show, when he listened to his radio.

APRIL 19

The Commission introduced another set of exhibits dealing with station and network income. Then Louis G. Caldwell, counsel for Mutual, made a motion that the Commission ban renewal of any network contracts beyond December 31, 1940. Both NBC and CBS counsel objected, Judge John J. Burns of CBS expressing "amazement at the gall of counsel for Mutual." But the Commission took the motion under advisement. The hearing was concluded with Adrian Murphy, CBS, about that network's record and transcription activities. The Commission suggested that parties to the proceeding file briefs, and said the record was not yet closed.

FREE OFFERS

The Beauty Products Company, Kansas City, has suggested that broadcasting stations go into the shaving cream business, advertising and selling "Shavoil," at a profit of $15 a hundred bottles.

The Popular Music Instruction Company wants stations to advertise and sell its piano lessons, keeping 40 cents from every incoming dollar.

Rogers and Smith, Dallas, Texas, wants stations to advertise and sell rose bushes, keeping 40 cents out of each dollar received.

The NAB has advised all three that broadcasting stations are in the broadcasting business and has suggested that each undertake a regular radio advertising campaign.

CALENDAR OF MAY EVENTS

May 1 —Moving day in many cities
May 1 —May Day or Child Health Day
May 1 to May 7—National Egg Week
May 7 to May 13—National Music Week
May 7 to May 13—Raisin Week
May 8 —National Restaurant Week starts
May 10 —Confederate Memorial Day
May 12 —National Hospital Day
May 12 to May 18—Peace Week
May 13 —West Coast Relays in Fresno, California
May 14 —Mothers Day
May 14 —National First Aid Week
May 15 —Straw Hat day in many cities
May 15 —Air Mail service, established 1918
May 18 —Ascension Day (Parochial Schools closed)
May 18 —International Good Will Day
May 21 —Lindbergh's Paris Flight, 1927
May 21 to May 27—Foreign Trade Week
May 21 to May 28—National Tennis Week
May 21 to May 28—National Poetry Week
May 21 to May 28—National Cotton Week
May 22 —National Maritime Day
May 24 —Empire Day in Canada
May 28 —Dionne Quintuplets born at Callender, Ontario, 1934
May 30 —Memorial Day

JACK FALVEY

Information about Jac Falvey is available at headquarters for any interested member.

CELLER PUTS "ABC OF RADIO" IN CONGRESSIONAL RECORD

Headquarters acknowledges with thanks receipt of a letter from Representative Emanuel Celler (D-NY) who has had "The ABC of Radio," published by the NAB, reprinted in the Congressional Record.

In introducing the ABC booklet in his extended remarks, Congressman Cellar said: "Mr. Speaker, under leave to extend my remarks in the Record I include the following article prepared for me by the National Association of Broadcasters, a splendid national group of broadcasters."

DR. LEONARD POWERS NAMED RESEARCH ASSISTANT TO FREC

At an all-day meeting in Washington of the Executive Committee of the Federal Radio Education Committee on Friday, April 14, Dr. John W. Studebaker, United States Commissioner of Education, as Chairman of the FREC, announced the appointment of Dr. Leonard Power as his Assistant in-Charge-of-Research. Dr. Power will undertake to prosecute the studies for the Committee which have been assigned to the Office of Education, Department of the Interior. These studies are: A survey of successful cooperative efforts on the part of broadcasters and educators, another on teacher training, and a third on the development of an experiment and idea exchange. In addition, Dr. Power is expected to serve as coordinator of all research studies which are being undertaken by the Federal Radio Education Committee.

Preliminary plans for publishing the committee studies were discussed in some detail by the Executive Committee. It is expected that the first publication will be ready in November of this year.

In addition to the appointment of Dr. Power, the Executive Committee also approved Dr. Studebaer's recommendation that his Assistant, Dr. C. F. Klinefelter, continue to serve as Vice Chairman of the FREC, in charge of finances and other general duties, and the designation of Mr. William D. Boutwell, as assistant in charge of the Educational Radio Scrips Exchange and Services.

Neville Miller attended the meeting.

NAB-RMA NETWORK PROGRAMS

Following are additional network programs arranged for "Open House Week" in the NAB-RMA campaign to promote the American System of Broadcasting. The first list appeared in last week's REPORTS.

Additional NAB-RMA programs scheduled by CBS.

April 19-3:00 to 3:30 P. M.—Sterling Fisher, CBS director of education and radio talks, is moderator of a round-table discussion on "Radio's Contribution to International Good Will," held at Women's National Radio Committee Annual Radio Award luncheon. Participants are H. V. Kaltenborn, CBS news analyst and foreign affairs expert; Alfred J. McCosker, MBS chairman of the board, and Frank Mason, NBC vice-president.

April 23—3:00 to 5:00 P. M.—Deems Taylor, CBS musical consultant, talks on "Music and Radio" during New York Philharmonic-Symphony program intermission.

April 24—2:30 to 3:00 P. M.—Dr. Alice V. Keliher, chairman of the Human Relations Commission of the Progressive Education Association, is guest speaker on American School of the Air. She sums up aims of "Frontiers of Democracy," Monday series of the School of the Air, before an audience of several thousand educators in the auditorium in St. Louis from where the broadcast comes.

April 24—10:30 to 11:00 P. M.—The Columbia Workshop presents Norman Corwin's new verse play, "Seems Radio Is Here to Stay." Corwin describes it as a "lusty ta-ra-ra for the business of broadcasting."

May 16—4:00 to 4:15 P. M.—Dr. Iago Galdston, director of information for the New York Academy of Medicine, talks on "Radio and Health Information" in the Highways to Health broadcast.

May 27—7:00 to 7:30 P. M.—Announcers, commentators and executives of CBS, tell how they do their work in the "Americans at Work" episode.

Additional NAB-RMA programs scheduled by NBC.

April 21—11:05 to 11:30 P. M.—NBC-Blue—*Back of the Dials,* an original dramatic sketch by Thomas Langan, dedicated to the radio dealers of America and demonstrating, through a novel use of orchestral music and ancient and modern receiving sets the tremendous improvements in quality of reception available to home listeners today as compared to the highest standards of ten or fifteen years ago.

April 22—3 P. M.—*This is Radio,* an hour's dramatization of the history of radio from its beginning to the present day, will be repeated—this time on the Blue.

Time Not Set—*What Radio Means To Me*—Broadcast out of Chicago from such places as a hospital, a lake, a lighthouse, etc.

The Federal Council of Churches' programs throughout the week will stress the fact that their service is made possible under the American System of broadcasting. These programs are:

April 17—"Faith and Freedom," Dr. Harold Paul Sloan, RED 12:30-12:45 P. M.

April 18—"Where to Look for Help," Dr. Jesse M. Bader, RED 12:30-12:45 P. M.

April 19—"Homespun," Dr. William Hiram Foulkes, RED 12:30-12:45 P. M.

April 20—"Art of Living," Dr. Norman Vincent Peale, RED 12:30-12:45 P. M.

April 21—"Inner Drama of Life," Dr. Lloyd Ellis Foster, RED 12:30-12:45 P. M.

April 22—Religion in the News, Dr. Walter W. Van Kirk, RED 6:45-7:00 P. M.

April 23—Radio Pulpit, Dr. Ralph W. Sockman, RED 10:00-10:30 A. M.

April 23—National Vespers, Dr. Harry Emerson Fosdick, BLUE 4:00-4:30 P. M.

The U. S. Office of Education has promised announcement on *Wings for the Martins,* its weekly dramatization of educational problems in the family, on April 19, BLUE 9:30-10:00 P. M.

Dr. Rollo G. Reynolds will incorporate in Thursday Social Science program of *Ideas That Came True* on April 20, BLUE 2:00-2:30 P. M.

Cesar Saerchinger will include in his broadcast of *Story Behind the Headlines* April 21, RED 10:45-11:00 P. M.

Belmont Farley, of the National Education Association, will mention on the *Our American Schools* program April 19, RED 6:00-6:15 P. M.

Youth Meets Government, the weekly high school program on public affairs, will include on April 22, RED 5:15-6:00 P. M.

The Message of Israel, Rabbi Leo Franklin, will point out that its program is possible only under the American System of broadcasting on April 22, BLUE 7:00-7:30 P. M.

Florence Hale, National Education Association executive, will mention the benefits of American radio on her Radio Column April 22, RED 10:30-10:45 A. M.

American Education Forum, conducted by Professor Alvin C. Eurich of Stanford, will point out that American radio makes possible the service of education which his program offers on April 22, BLUE 12:00-12:25 P. M.

The World Is Yours, U. S. Office of Education and Smithsonian Institution broadcast will cooperate on April 16 and April 23, RED 4:30-5:00 P. M.

Other programs which are expected to join in the general theme "Our program is an example of what you get under the American system of broadcasting" are:

Science Everywhere, American Association for the Advancement of Science, April 18, BLUE 2:00-2:30 P. M.

Science on the March, AAAS program with Dr. Forest Tay Moulton on April 17, BLUE 7:45-8:00 P. M.

Great Plays, NBC series on April 16 and April 23, BLUE 1:00-2:00 P. M.

Lives of Great Men, with Dr. Edward Howard Griggs of Brooklyn Institute of Arts and Sciences, April 22, 7:30-7:45 P. M. RED.

NBC Music Appreciation Hour, April 21, BLUE 2:00-3:00 P. M.

Phi Beta Kappa Program, "Getting Ready for Tomorrow," April 21, RED 6:00-6:15 P. M.

Americas Town Meeting, April 20, BLUE 9:30-10:30 P. M.

Science in the News, with Dr. Arthur H. Compton, Monday, April 17, RED 6:00-6:15 P. M.

University of Chicago Round Table, Sunday, April 16 and April 23, RED 12:30-1:00 P. M.

Your Health, American Medical Association program, Wednesday, April 19, BLUE 2:00-2:30 P. M.

Music Makers, with Dr. Joseph E. Maddy, Tuesday, April 18, RED 12:45-1:15 P. M.

Music and American Youth, Sundays, April 16 and 23, 10:30-11:00 A. M., RED.

Chicago is preparing special announcement to be made on the Farm and Home Hour, Carnation, and other sustaining and participation programs.

The ABC of Radio, a series of three dramatizations pointing up the wonders of broadcasting and adapted from original scripts written and aired by WTMJ, NBC affiliate in Milwaukee, have been distributed to all Red and Blue stations for local presentation some time during "Open House Week." Spot announcements regarding the celebration also have been distributed to all stations.

Radio City Parade and *Radio City Fanfare,* scripts written in New York by the NBC Press Division and distributed to all Red and Blue Network stations this week, include institutional material about "Open House Week" as well as announcements about the special programs.

NBC ELECTRICAL TRANSCRIPTION SERVICE has sent out to its clients a half-hour script, *Radio's American Way*. With the script was a bulletin explaining the purpose of the script and urging its use during the week of April 17. Electrical Transcription also is planning to send out every week a page of announcements on the American System of broadcasting to its Thesaurus subscribers. There will be approixmately one announcement per program series each week, and there are nineteen series in the service.

FCC TELEVISION REPORT

The Television Committee of the FCC, which has just returned from a field trip, found that there are two groups of thought in the industry: one that television is ready for public participation and the other that that point has not yet been reached. In connection with its recent trip, the Television Committee on Tuesday made public the following statement:

The Television Committee of the Federal Communications Commission, consisting of Commissioners T. A. M. Craven, Chairman, Thad H. Brown and Norman S. Case, have returned to their offices from Philadelphia and New York, where the Committee conferred during the past week with certain leaders of the radio industry in the East concerning the future of television, and where the Committee inspected various factories and laboratories engaged in the development of this new art of radio.

Significant of the importance which the Commission attaches to the recent developments in television is the fact that Commissioners George Henry Payne and Paul A. Walker joined the Committee during the week and participated with them in the various inspections and conferences.

The Commission has hitherto kept abreast of the development of television but until recently has not found it necessary to take any action tending to affect the details of the technical development of the art. However, by reason of the action of the Radio Manufacturers Association in proposing that the Commission approve certain technical standards pertaining to the operation of radio television transmitters which may be licensed by the Commission in the future, it has been necessary for the Commission to secure additional information in order to be fully assured that the interest of the public is safeguarded. The Television Committee was appointed by the Commission to make such an investigation and report.

The Committee has deemed its duty to be, in accordance with the continuing policy of the Commission, to encourage American inventive genius and private enterprise to further its remarkable efforts toward the accomplishment of the necessary improvements in the technical quality of television, and at the same time to consider the interest of the public. The Committee hopes that private enterprise and inventive genius may be able to develop a practical system of television which will permit the early inauguration of this service to the public, but which, at the same time, will permit considerable future improvements in quality without too rapid an obsolescence of receivers which may be purchased by the public.

As a result of the trip to Philadelphia and New York, the Television Committee has secured a better knowledge and understanding of the many complex problems involved in television and the Committee considers that its policy of cooperative discussion of mutual problems with the various individuals and organizations concerned in the industry has been beneficial.

The Committee is of the opinion that undoubtedly the technical development of television has progressed remarkably during the past year, and that all concerned in its development are now at a fork in the road with respect to the next phase of providing television as a practical service to thhe public. The Committee ascertained that there are two divergent schools of thought as to which method should be followed at this particular stage of development in initiating television as a service to the public. One group asserts the view that from a technical standpoint as represented by the standards proposed by the Radio Manufacturers Association, television is now ready for public participation through the purchase of receivers. Another group maintains the view that the proposed standards are not sufficiently flexible to permit certain future technical improvements without unduly jeopardizing the initial investment of the public in receivers.

The Committee intends to proceed forthwith to secure additional pertinent information concerning all of the aspects of this question from other television leaders in other sections of the country. It may be necessary, in the judgment of the Committee, to hold public hearings before submitting its final report to the Commission.

The Committee visited and conferred with the Farnsworth Television Company and the Philadelphia Storage Battery Company in Philadelphia. In New York the Committee conferred with representatives and inspected the developments of the National Television Corporation, and conferred with representatives of the International Television Radio Corporation as well as with Major Armstrong, an inventor. In addition, in New York the Committee conferred with representatives of the General Electric Company, witnessed demonstrations and conferred with officials of the Radio Corporation of America, the Bell Telephone Laboratories, the Columbia Broadcasting System and the DuMont Laboratories.

NEW FCC REGULATIONS

The FCC has issued the new regulations governing relay, international, television, facsimile, high frequency, non-commercial educational and developmental broadcast stations. The new rules, which are effective immediately, make several minor changes in the various classes of stations. The rules governing international broadcast stations are not included as the final policy in regard to these stations has not been determined by the Commission.

Of principal general interest are the modifications in the rules governing facsimile broadcast and high frequency stations. Under the Havana allocation three low frequencies, previously used for facsimile broadcasting, are dropped. This deficiency is remedied through the addition of several frequencies from 25,000 to 116,000 kilocycles. The frequencies now available appear adequate to take care of the present demand and full technical development of this service.

While the high frequency stations are continued on an experimental basis, with the present restrictions as to commercial operation, several additional frequencies are made available both for amplitude and frequency modulation. Frequency modulation is recognized on an equal basis with amplitude modulation and occupies approximately the same total frequency band.

Under the new regulations licensees of relay stations are required to specify the regular broadcast station with which the relay station operates. All relay stations under the new rule must be definitely associated with a specific standard broadcast station or network system. The relay broadcast stations operating on frequencies from 30,000 to 41,000 kilocycles have been removed from the experimental classification and new frequencies have been provided from 130,000 to 138,000 to be operated either with frequency or with amplitude modulation. This is the first time that frequency modulation has been specifically recognized for relay stations for which service it appears to offer special results both as to lightness of transmitting equipment and reduction of reception noise.

The name of the "experimental" broadcast stations has been changed to "developmental" broadcast stations. The purpose of the change is to avoid confusion between this particular class of station and many other stations operating on the experimental basis which are often referred to as "experimental" stations.

No changes of significance have been made in the rules governing television stations. However, the regulations pertaining to the operation of non-commercial educational broadcast stations have been specifically defined under the new rules.

OPERATOR OF UNLICENSED STATION IN ST. PAUL PLEADS GUILTY

In the first prosecution of its kind in the Federal Courts in Minnesota, Thomas Carpender, St. Paul, Minnesota, pleaded guilty to an indictment charging the operation of an unlicensed radio station in violation of Sections 301 and 318 of the Communications Act of 1934, as amended. The court deferred imposition of a sentence and placed the defendant on probation for a period of two years.

Inspectors of the FCC have evidence indicating that there are other unlicensed radio stations operating in the St. Paul area and further prosecutions are expected to follow.

FCC BROADCAST MEASUREMENTS

During the month of March, the FCC measured 714 broadcast stations, leaving 46 not measured.

Included in this number 635 stations had a maximum deviation of within 0-10 cycles; 69 stations a deviation of 11-25 cycles; 8 stations a deviation of 26-50 cycles; and 2 stations of over 50 cycles.

HAVANA TREATY

Unofficial information has reached Washington that the President of Mexico has signed an executive decree putting into force the North American regional radio agreement, with certain exceptions by administrative agreement, when the signatory countries accept such proposal. It is reported that the Mexican administration hopes that within a month the Senate of Mexico will ratify the Havana Treaty.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission this week granted the application of KPAC, **Port Arthur, Texas,** to change its frequency from **1260** to **1220 kilocycles** and its power from 500 watts daytime only to 500 watts unlimited time, using a directional antenna at night.

In its decision, the Commission stated that the applicant is in all ways qualified to make the changes and that the granting of the application will not result in objectionable interference to any existing broadcast station. It is further stated by the Commission that a public need exists in Port Arthur for the additional service proposed.

Commissioner Thompson did not participate in this decision.

The application of WTOL, **Toledo, Ohio,** to increase its hours of operation from daytime only to unlimited time with 100 watts on **1200 kilocycles** has been granted by the Commission.

The order announcing this decision which was handed down this week is based on the Proposed Findings of Fact entered on March 30.

Commissioner Thompson did not participate in this decision.

PROPOSED FINDINGS OF FACT

The Federal Communications Commission this week announced its Proposed Findings of Fact proposing to deny the application of WAWZ, **Zarephath, New Jersey,** to erect a new international broadcast station at Zarephath to operate on **6,080, 11,830** and **17,780 kilocycles,** with 5000 watts power, unlimited time.

In its Proposed Findings of Fact the Commission stated that the applicant has not formulated a definite program of research and experimentation which indicates reasonable promise of substantial contribution to the development of international broadcast service. The Commission stated also that the granting of the application and the operation of the station as proposed would result in objectionable interference and reduce the operating hours of existing licensed international stations situated in the United States. Due to the type of equipment proposed and to the frequency selected, according to the Commission's Proposed Findings of Fact, any division of station time on these frequencies "will necessarily result in a definite curtailment of the international service now rendered by Stations W3XAL and W2XE." The Commission stated also that the applicant has not established a need for the frequency requested "sufficient to warrant the granting of this application."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of April 24. They are subject to change.

Monday, April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P., **1290 kc.,** 100 watts, daytime. (C. P. to install new antenna and move transmitter and studio locally.)

WQDM—E. J. Regan & Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.,** 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.,** 1 KW, daytime.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Texas.—C. P., **1310 kc.,** 250 watts, daytime. Present assignment: **1310 kc.,** 100 watts, daytime.

Tuesday, April 25

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 kc.,** 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 kc.,** 1 KW, 2½ KW LS, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.,** 1 KW, unlimited time.

Wednesday, April 26

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, President), Huntsville, Texas.—C. P., **1500 kc.,** 250 watts, daytime. Present assignment: **1500 kc.,** 100 watts, daytime.

Thursday, April 27

Oral Argument Before the Commission

Examiner's Report No. I-758:

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P., **620 kc.,** 1 KW, 5 KW LS, unlimited time (DA-night). Present assignment: **1450 kc.,** 1 KW, unlimited time.

Friday, April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 kc.,** 1 KW, unlimited time (DA-night). Present assignment: **1370 kc.,** 100 watts, 250 LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

May 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, unlimited time.

Further Hearing

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

June 19

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares WBNO.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted C. P. to install a DA system for nighttime operation to be used on special experimental authorization on **1040 kc.** with power of 50 KW operating simultaneously with station KRLD.

KVWC—The Northwestern Broadcasting Co., Vernon, Texas.—Granted C. P. to make changes in composite equipment and increase day power from 100 to 250 watts.

WOSU—Ohio State University, Columbus, Ohio.—Granted modification of license to increase night power from 750 watts to 1 KW.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—Application for C. P. to erect a new station to operate on frequency **1420 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Application for modification of license to increase time of operation from daytime to unlimited, using 100 watts. (Commissioner Thompson not participating.) Application was designated for hearing to determine if interference might result to existing station, WJBY, Gadsden, Ala.

NEW—Catawba Valley Broadcasting Corp., Hickory, N. C.—Application for C. P. for new station to operate on frequency **1370 kc.,** 100 watts nighttime, 250 watts day, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval.

WMFR—Radio Station WMFR, High Point, N. C.—Application for C. P. to make changes in equipment and increase day power from 100 to 250 watts. (Application designated for hearing to determine if interference might result to four existing stations, and pending applications involve increase in service.)

KNEL—G. L. Burns, Brady, Tex.—Modification of license to increase power and time of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time. (Application designated for hearing to determine if interference might result, and pending applications involve increase in service.)

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—C. P. to move transmitter site locally approximately 3½ miles, install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW. (Application designated for hearing to determine if increased interference might result, and because of pending applications.)

NEW—Samuel M. Emison, Vincennes, Ind.—C. P. to erect a new station to operate on frequency **1420 kc.,** with 100 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

MISCELLANEOUS

KFBI—The Farmers & Bankers Broadcasting Corp., Abilene, Kans.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, on April 13, in order to broadcast the Jeffersonian Banquet from Wichita, using 1 KW only.

W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station W2XVT from 9 a. m. to 2 p. m., EST, on April 15, in order to conduct exhibition.

W10XFZ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted extension of special temporary authority to operate relay broadcast (exp.) station W10XFZ with 10 watts instead of 100 watts transmitting equipment, for the period April 17 to May 16, pending action on an application for C. P. to change the equipment and licensed power of station.

NEW—United Theatres, Inc., San Juan, P. R.—Granted petition to consolidate the hearing in re Docket Nos. 4610 and 5298, involving applications for C. P.'s for new stations in San Juan.

WREC—Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tenn.—Granted petition to accept amendment to application, requesting substitution of petitioner for WREC, Inc., as applicant (File No. B3-ML-382).

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted petition to intervene in the hearing on the application of Thumb Broadcasting Co., Brown City, Mich., for C. P. to erect a new station to operate on **880 kc.,** 1 KW, daytime.

WJBW—Charles C. Carlson, New Orleans, La.—Granted motion for continuance of hearing now scheduled for April 18, for a period of 60 days, in re applications for renewal of license and modification of license to change hours of operation to unlimited.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted motion to dismiss without prejudice application for modification of license to change hours of operation from daytime to limited, sunset at Eau Claire, Wis.

Iowa Broadcasting Co., Des Moines, Iowa.—Denied motion of respondent to amend notice of hearing by another issue, in re application of The Gazette Co. for a new station in Cedar Rapids. Counsel for petitioner noted exception to the ruling.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted motion to amend application to request 250 watts night, 1 KW day, with change in transmitting equipment, and cancelled hearing date of May 15.

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Granted motion to authorize and receive deposition in re application for C. P. to operate on **1420 kc.**, 100-250 watts LS, unlimited time.

NEW—The Gazette Co., Cedar Rapids, Iowa.—Granted motion for leave to amend application to specify antenna system and studio and transmitter location, and cancelled hearing date—April 28th.

WWNC—Asheville Citizen-Times Co., Inc., Asheville, N. C.—Granted motion to extend time for all parties for filing Proposed Findings due April 14, to April 24th, in re application of Publix Bamford Theatres, Inc., for a new station in Asheville.

NEW—Martin K. Calaway and Harry S. Hooper, Marysville, Calif.—Granted motion to dismiss without prejudice application for new station to operate on **1420 kc.**, 100 watts, 250 watts LS, unlimited.

Stenger Broadcasting Corp., Wilkes-Barre, Pa.—Granted petition to intervene and consolidation of hearings on renewal and on assignment of license of WBAX to petitioner (File B2-AL-240), and continued hearing indefinitely.

NEW—Sherman V. Coultas, Milton Edge and Hobart Stephenson, Jacksonville, Ill.—Denied petition for leave to amend application by substitution of name of Edgar J. Korsmeyer for Sherman V. Coultas, deceased, in re application for new station.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Denied motion to vacate and set aside Order to take depositions on behalf of station KOAC.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority for nondirective operation of new WFBR plant, using power of 1 KW, by direct measurements in single radiator of antenna covered by C. P., during daytime (LS 6:45 p. m., EST), for the period April 15 to April 24, in order to collect field data over terrain.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted extension of special temporary authority to operate from 4 to 5 p. m., CST, on May 10, 17, 24 and 31, in order to broadcast children's services.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate auxiliary transmitter of station WENR, at Downers Grove, for a period not to exceed 30 days, until new antenna can be put up at WBBM's location.

W1XAR—World Wide Broadcasting Co., Boston, Mass.—Granted modification of C. P. authorizing change in transmitter location from Norwood, Mass., to Boston.

KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority for period of 10 days to operate from 8:30 to 10:30 p. m., CST, in order to broadcast the Texas League baseball games, using 100 watts only.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 4 to 4:30 p. m., on May 2, 9 and 16; from 4 to 4:45 p. m., CST, on May 23; and from 9:15 to 10 p. m., CST, on May 16, in order to broadcast special educational programs (provided KGGF remains silent).

KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on May 25 and 30, and from 8:15 p. m. to 9:15 p. m., CST, on May 31, in order that WNAD may remain silent during University examinations (provided WNAD remains silent).

WREC—WREC, Inc., Memphis, Tenn.—Retired to the closed files the application for C. P. to install new transmitter for auxiliary purposes only, as no application for assignment of C. P. has been filed.

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—Granted in part with leave to amend application to specify exact site and further hearing to be held as to the availability and suitability of site.

WMEX—The Northern Corp., Boston, Mass.—Denied without prejudice to a renewal of the motion, if after further hearing applicant fails to file proposed findings as required by the Commission's rules. (The Northern Corp. are respondents in re application of Central Broadcasting Corp. for a new station at Worcester, Mass.)

NEW—Central Broadcasting Corp., Worcester, Mass.—Granted motion with leave to amend application in the particulars set forth in the petition for rehearing and that upon such amendment *further* hearing be held upon those particulars.

NEW—Central Broadcasting Corp., Worcester, Mass.—Dismissed petition for continuance of action on motion to strike "Applicant's proposed findings of fact and conclusions."

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted license to cover C. P. authorizing change in transmitter and studio sites locally; changes in equipment; installation of directional antenna system for day and night operation; and change in frequency from **1190 kc.** to **1290 kc.**, and 100 watts unlimited to 250 watts unlimited, employing DA for both day and nighttime operation.

WSJS—Piedmont Publishing Co., Winston Salem, N. C.—Granted license to cover C. P. authorizing change in transmitter site locally, installation of new equipment and vertical radiator.

KBOL—Woodmen of the World Life Ins. Society, Omaha, Neb., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 20 watts.

W4XA—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted license to cover C. P. for high frequency broadcast station, frequencies **26150 kc.**, 1 KW. The license is granted on an experimental basis conditionally.

KAOF—KFNF, Inc., Shenandoah, Ia., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**, 50 watts.

NEW—Memphis Commercial Appeal Co. (Memphis, Tenn.), Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies **1606, 2020, 2102** and **2758 kc.**, 40 watts.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies **1646, 2090, 2190** and **2830 kc.**, 50 watts.

NEW—City of New York, Municipal Broadcasting System, New York City, Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**, 3 watts.

NEW—City of New York, Municipal Broadcasting System, New York City, Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**, 3 watts.

NEW—The Associated Broadcasters, Inc., San Francisco, Cal., Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies **38900, 39100, 39300** and **39500 kc.**, experimental conditionally, 2 watts.

W6XAC—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station; frequencies **31100, 4600, 37600** and **40600 kc.**, 2 watts; the license is granted on an experimental basis only, conditionally.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator, approval of transmitter site, change in frequency from **1370** to **1200 kc.**, and increase in power and time of operation from 100 watts daytime only, to 100 watts night, 250 watts day, unlimited.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate until midnight EST, on April 19, in order to celebrate the opening of Station WBTH.

NEW—WLBG, Inc., Richmond, Va., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1606, 2022** and **2758 kc.**, 50 watts.

W8XTY—The Evening News Assn., Detroit, Mich.—Granted license to cover C. P. for new facsimile station; frequencies **31600, 35600, 38600** and **41000 kc.**, 150 watts.

WAOE—Martin R. O'Brien, Aurora, Ill.—Granted license to cover C. P. for new relay broadcast station; frequencies **1606, 2022, 2102** and **2758 kc.**, 50 watts.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted C. P. to make changes in transmitting equipment.

W4XD—WPTF Radio Co., Raleigh, N. C.—Granted C. P. to make changes in equipment and reduce power in experimental relay broadcast station from 15 to 2 watts. Also granted license to cover same.

KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted license to cover C. P. authorizing move of station from Clay Center to Grand Island, with transmitter location 1-1/3 East of Phillips, Neb., and installation of vertical radiator.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted license to cover C. P. authorizing move of transmitter site locally, changes in vertical radiator and installation of new equipment.

WJBW—Charles C. Carlson, New Orleans, La.—Granted modification of C. P. for approval of transmitter and studio sites and installation of new equipment and vertical radiator, upon the express condition it shall not be construed as a finding by the Commission upon the application for renewal of license now in the hearing docket, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.

WAGM—Aroostock Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 10 to 11 a. m., EST, on April 19, in order to broadcast a special American Legion program.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m., and from 4 p. m. to local sunset (April 6:45 p. m., May, 7:15 p. m., EST), on April 29, May 6, 12, 16 and 20, in order to broadcast baseball games as described in letter of April 11; to operate from 9 to 11:30 a. m., EST, on May 20, in order to broadcast Moving-Up Day Exercises; to operate from 2 p. m. to local sunset on May 7, in order to broadcast Annual Charter Day Observance of the University.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (May, 7:15 p. m., CST), to 11:05 in order to broadcast church services all Sundays in May; Legion Programs, Community Jamboree, and other programs, using 100 watts.

WPRP—Julio M. Conesa, Ponce, P. R.—Denied special temporary authority to rebroadcast sustaining cultural, educational, and news programs to be received from experimental stations W1XAR and W1XAL for a period not to exceed 30 days.

APPLICATIONS FILED AT FCC

600 Kilocycles

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Construction permit to install auxiliary transmitter at present location using 1 KW day and night power, directional antenna as used at present.

810 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—License to cover construction permit B1-P-2185, for new antenna and new 1 KW transmitter, for emergency use only.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Modification of construction permit B3-P-228, as modified, for equipment changes, antenna changes, move of transmitter, increase in power, requesting extension of completion date from 4-26-39 to 5-26-39.

1200 Kilocycles

NEW—Nebraska Broadcasting Co., Hastings, Nebr.—Construction permit for a new broadcast station on **1200 kc.,** 100 watts night, 250 watts day, unlimited time.

1210 Kilocycles

WBAX—John H. Stenger, Jr., Wilkes-Barre, Penna.—Involuntary assignment of license from John H. Stenger, Jr., to Stenger Broadcasting Corporation.

WJMC—Walter H. McGenty, Rice Lake, Wisc.—License to cover C. P. B4-P-1231, for a new station.

1370 Kilocycles

NEW—Union Broadcasting Co., Scranton, Penna.—Construction permit to erect a new broadcast station on **1370 kc.,** 100 watts night, 250 watts day time, unlimited hours of operation.

1380 Kilocycles

WSMK—WSMK, Inc., Dayton, Ohio.—Modification of construction permit B2-P-1575, as modified, for new equipment, directional antenna night, increase in power, change in hours of operation, and move of transmitter, further requesting extension of completion date from 5-1-39 to 7-1-39.

1420 Kilocycles

WILM—Delaware Broadcasting Co., Wilmington, Dela.—License to cover construction permit B1-P-2104, for new antenna and move of transmitter, and change in time.

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Authority to transfer control of corporation from Sam G. Weiss, to A. W. McKinnon, and Jack Richards, 5,542 shares common stock.

MISCELLANEOUS

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Modification of construction permit B1-PIB-15, to change transmitter site from 1218 State Highway Norwood to 70 Brookline Ave., Boston, Mass.

WCNY—Board of Education, City of New York, New York, N. Y. —License to cover construction permit B1-PED-7, for new Non-Commercial Educational Broadcast station.

W1XKB—Westinghouse Electric & Mfg. Co., E. Springfield, Mass. —Construction permit to install new transmitter, change operating frequencies to **42380 kc.,** increase power output to 1 KW.

W8XUM—WBNS, Inc., Columbus, Ohio.—License to cover construction permit B2-PFB-10, for a new facsimile station.

NEW—Radio Station WMFR, Inc., High Point, N. C.—Construction permit for new relay broadcast station on **1622, 2058, 2150, 2790 kc.,** 50 watts power, A-3 emission.

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—License to cover construction permit, B1-PIB-15, as modified, for a new International Broadcast station.

WAHE—WTAR Radio Corp., Norfolk, Va.—License to cover construction permit B2-PRY-136, for new Low Frequency Relay Station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Aldine Dental Stationers—Paul S. Hervey, trading as Aldine Dental Stationers, Des Moines, Iowa, is charged in a complaint with advertising as "embossed," stationery printed by ordinary type process and treated by chemicals and baking to produce a raised letter effect simulating genuine embossing. (3758)

Associated Denver Tailors—See Woodley-Elliott & Company.

Automatic Radio Manufacturing Co., Inc.—Two complaints alleging unauthorized use or suggestion of well known trade names have been issued against companies dealing in radios and electric shavers.

Automatic Radio Manufacturing Company, Inc., Boston, Galvin Manufacturing Corporation, Chicago, and Ferguson Radio and Television Company, Inc., New York, all manufacturers, are alleged to have cooperated with The Pep Boys-Manny, Moe and Jack, Inc., Philadelphia, chain store operators, in the sale of radio sets advertised and branded "Remington," a well and favorably known trade name whose legal owners had not given the respondents permission to so use it.

Trading as Premium Sales Service, Charles E. Herchenroeder, Chicago, in the sale of electric dry shavers, is alleged to have composed his advertising matter so that the word "General" was placed above the words "Electric Dry Shaver" in a manner misleading buyers into believing they were purchasing General Electric Company products.

Herchenroeder was also charged with misleading buyers into believing they were purchasing a $15 Packard Lectro Shaver by use in his advertisements of a picture of an electric dry shaver and the word "Packard" in bold type. The complaint points out that the respondent's shavers were of inferior quality and had only a fraction of the value of a genuine Packard Lectro Shaver.

The complaint against Herchenroeder also alleges use of a lottery plan in selling novelty articles to ultimate consumers by use of a push card system under which a participator selecting a feminine name corresponding with a name concealed under a master seal received a premium wholly by chance. (3762-3763)

Barrett Company—See Chilean Nitrate Sales Corporation.

M. E. Carter & Company—See Fruit & Produce Exchange.

Chilean Nitrate Sales Corporation and The Barrett Company, both of New York, are charged with restraint of trade in violation of the Federal Trade Commission Act and price discrimination in violation of the Robinson-Patman Act in a complaint.

These companies together are alleged to monopolize the supply and distribution of raw or basic nitrate of soda sold in the United States. Chilean Nitrate imports its product from Chile while The Barrett Company's product is manufactured at Hopewell, Va., by a corporation of which it is a subsidiary or affiliate.

They sell basic nitrate of soda in bags for distribution to farmers as a raw, unmixed soil fertilizer and in bulk to manufacturers as an ingredient for use in compounding mixed fertilizers.

The complaint charges them with entering into agreements, the effect of which is to monopolize the sale and distribution of their products by establishing, fixing and maintaining the prices at and the conditions under which both bulk and bagged nitrate of soda shall be sold to distributors and fertilizer manufacturers and resold to dealers and consumers.

Their practices are alleged to have the further effects of restraining and suppressing competition and of depriving purchasers of advantages in price, service and other considerations which they would normally possess. (3764)

Ever-Keen Dry Shaver Company—Use of lottery schemes and misrepresentation in advertising are charged in a complaint against J. H. Tigerman, trading as Ever-Keen Dry Shaver Company and as Royce Dry Shaver Company. The respondent is engaged in the assembling, sale and distribution of electric razors, with his principal office and place of business at 43 East Ohio St., Chicago.

The complaint alleges that salesmen and representatives are supplied with push cards and printed instructions. One of these reads, in part, "You distribute sales cards to friends, neighbors and others. They in turn present their cards to their friends who 'take selections' paying the small sums of 1¢ to 15¢ for an opportunity to own an Ever-Keen Dry Shaver. The person selecting the name corresponding with the one appearing under the seal on the card receives an Ever-Keen Dry Shaver. Each one of your solicitors collects a total of $10 from his sales card which he turns over to you. You give him 2 Ever-Keen Dry Shavers, 1 for himself and 1 for the person who selected the name corresponding with the one appearing under the seal. Two Ever-Keen Dry Shavers cost you as little as $5.50—so you can make as much as $4.50 on every sales card."

The complaint also alleges that claims are made in advertising in magazines and periodicals by the respondent that his dry shavers are equal in value and performance to $15 dry shavers, whereas they are of inferior grade and workmanship. (3757)

Ferguson Radio & Television Co.—See Automatic Radio Mfg. Co., Inc.

Fruit and Produce Exchange—Illegal payment and acceptance of brokerage fees in violation of the brokerage section of the Robinson-Patman Act is alleged in a complaint issued against two Memphis, Tenn., dealers in foodstuffs and allied products and a group of companies selling their products to the two dealers.

The Memphis dealers are Jake Felt, a jobber, trading as The Fruit and Produce Exchange, and M. E. Carter & Co., a wholesaler. Felt is alleged to own 84 per cent of the Carter Company's outstanding stock and to manage its activities.

The complaint describes the seller respondents as being typical of a large class of producers who sell to Felt and to competitors of Felt and M. E. Carter & Co. They are too numerous to be brought into the Commission's proceeding without inconvenience and delay.

In connection with their sales to Felt the respondent selling companies and other sellers are alleged to pay him so-called brokerage fees or commissions amounting to an agreed percentage of the quoted sales prices. The complaint further alleges that Jake Felt, trading as The Fruit and Produce Exchange, resells the commodities so purchased to wholesale dealers and likewise resells through M. E. Carter & Co., to retail dealers. It is alleged that in connection with the purchases made by Jake Felt from the seller respondents no services are rendered to such sellers on such transactions. (3765)

Galvin Manufacturing Co.—See Automatic Radio Mfg. Co., Inc.

Nutrine Candy Company—A complaint has been issued charging Nutrine Candy Company, 419 West Erie St., Chicago, with violation of the Robinson-Patman Act through granting illegal price discriminations and of the Federal Trade Commission Act through conducting a lottery in the sale of candy to ultimate consumers.

It is alleged that the respondent company discriminated in prices charged its retail dealer customers purchasing similar units of candy of like grade and quality by allowing some of the dealers different prices than those granted others.

The complaint contains a table of prices charged by the respondent over a given period showing discriminations on certain items in favor of chain store organizations as against small independent retail dealers, such discriminations ranging from 12½ to 98 per cent above the minimum prices charged for these items. (3756)

Premium Sales Service—See Automatic Radio Mfg. Co., Inc.

Roye Dry Shaver Company—See Ever-Keen Dry Shaver Company.

Rulo Company—A complaint has been issued against Norman D. Loughlin, L. E. Rupe, Bernal H. Dyas, Ruth C. Hemstreet, Volney T. James and Page H. Lamoreaux, individually and trading as Rulo Company and Rulo Corporation, all of Los Angeles. The respondents are engaged in selling and distributing "Rulo Automatic Injector" and "Rulo Energy Fluid."

In truth and in fact, the complaint alleges, use of the device and fluid will not effect economies through lessening gasoline and oil consumption of the motor, and does not save any amount in the cost of gasoline and oil consumed by any car driven any distance for any length of time. The fluid, the complaint alleges, is a lubricating oil to which a small quantity of collodial graphite is added, and this addition does not enhance the value of lubricating oil for use in automobile engines. (3761)

Woodley-Elliott & Company—Charging misrepresentation in the sale of men's clothing a complaint has been issued against Woodley-Elliott & Co., a corporation, also trading as Associated Denver Tailors and as Associated Tailors, 1745 Champa St., Denver, Colo.

In advertisements the respondent is alleged to have made representations to the effect that all or most of its stock of woolens or fabrics used in making its clothing was purchased as surplus stock of the manufacturers of "Hickey-Freeman," "Society Brand" and "Fashion Park" clothes, and constituted practically all the surplus woolens or fabrics in the hands of these makers at the time of purchase. (3759)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coronado Manufacturing Company—Misrepresentations in the sale of cosmetics is prohibited in an order issued against Harold L. Rothschild, trading as Coronado Manufacturing Company, with headquarters in St. Paul, Minn.

Rothschild, it was found, sells his products through distributors employed by means of advertisements placed in classified columns of newspapers in different cities by supervisors who receive commissions for the amount of business placed with the distributors. The distributors place display cases of Rothschild's products in drug stores and other establishments. Proprietors of these stores receive a commission on sales.

Under the order, the respondent is directed to cease and desist misrepresenting possible earnings by prospective agents or actual earnings by his distributors during specific periods. He is also ordered to discontinue representing that he will furnish distributors additional goods on credit on a profit-sharing basis; that exclusive sales territory is assigned to agents, and that he has a long established business or demand for his products, when these are not the facts. (*2829*)

National Advertisers Company—Prohibiting the use of lottery devices in the sale of merchandise to the ultimate consumer an order to cease and desist has been issued against J. P. Sheehan, trading as National Advertisers Company, 230 East Ohio St., Chicago. The order forbids supplying to agents, distributors or others punchboards, push or pull cards or other lottery devices to aid in the sale of merchandise, or selling articles by use of such devices. Sheehan sells watches, radios, pipe sets, pen and pencil sets and electrical household articles. (3705)

Rightway Institute—Joseph Rosenfeld, operating under the trade name Rightway Institute, with office at 815 South Hill St., Los Angeles, has been ordered to cease and desist from misrepresentations in the sale and distribution of courses of instruction in a system of exercising designated Rightway Method.

The findings allege that the respondent represents that his business is that of an institute or scientific research body conducted by graduate medical doctors and specially trained experts in physical culture, although he has no place of business other than desk space from which his business is transacted, and conducts such business without the aid of employees or assistants.

The respondent is ordered to cease and desist from representing that his system of exercising is a scientific way to relieve indigestion or stomach and intestinal gas, or that it will cure these ailments or can be used with safety by all persons suffering from them. (3158)

Soap Lake Products Corporation, Seattle, Wash., distributors of packaged mineral salts, ingredients of which are taken from Soap Lake in the State of Washington, is ordered to cease and desist from misrepresentation of the efficacy of the products in curing numerous ailments and diseases.

Through newspapers, magazines and radio broadcast, the respondent has advertised "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer" and "Mother Nature Soap Lake Spirit" as possessing broad healing qualities. Among advertisements of the respondent quoted in the findings of the Commission are: "ALMOST UNBELIEVABLE—BUT TRUE! The fame of Soap Lake has become nation-wide. More than 30,000 visitors last summer! They came with aches and pains—rheumatism, neuritis, arthritis * * * with skin irritations—eczema, itch, psoriasis, athlete's foot, poison oak, poison ivy, gangrene and lingering infections; with stomach, gall, intestine, kidney, bladder and other functional disorders—and left happy." * * * "No longer need you journey far and expensively to prove the virtue of Soap Lake minerals. They are now easily and inexpensively available to you through your druggist * * * from Nature's own laboratory."

In truth and in fact, the findings state, use of the respondent's products alone, either externally or internally, will not prevent or cure, and are not beneficial in the treatment of, any of the diseases or ailments named or any other disease, affliction or ailment which may be present in the human body, as represented in the respondent's broadcast and advertising literature. Under certain conditions use of the respondent's products, the findings state, are distinctly harmful. (*2823*)

STIPULATIONS

The Commission has entered into the following stipulations:

Candler System Company—An Asheville, N. C., distributor of a correspondence course for radio operators, entering into a stipulation, agrees to cease using the name "Association Western Union Employees" in his advertising literature when such literature is neither published nor sponsored by such an association.

Walter H. Candler, distributor of this course, who is in business under the name Candler System Company, publishes "Telegraph World" and circulates it widely, according to the stipulation. It contains advertisements and sales promotion for Candler's instruction system. In the upper right corner of the front cover appeared the caption: "Association Western Union Employees."

In his stipulation, Candler also agrees to cease overstating and misrepresenting the demands and opportunities for employment in the radio communication field, and to discontinue representing that Candler training provides world-wide travel, adventure and good pay, and that an employment service is available to Candler graduates without cost.

Candler agrees to stop using any so-called "money-back" guarantee conditioned on a student's failure to pass a code test, which has a tendency of deceiving students or otherwise involves misrepresentation, bad faith or deceptive concealment of pertinent facts. (*2432*)

Cardean Knitwear Company—M. W. Carp and J. L. Diener, trading as Cardean Knitwear Company, 311 West Baltimore St., Baltimore, dealing in sweaters and other knitted wear, will desist from selling and distributing products to which are affixed or which are accompanied by tags bearing what purports to be a retail selling price, but which price is exaggerated, fictitious, or much in excess of the price at which the products are sold in the ordinary course of trade. (*2445*)

Dermetics, Inc.—Under a stipulation entered, Dermetics, Inc., having headquarters in Seattle, Wash., will cease and desist from misleading representations in the sale of cosmetic preparations designated Dermetics.

The respondent will discontinue representing that one of its preparations will awaken vasomotor or sensory nerves, or that such nerves are inactive in most people; that use of the products will make one young or assure natural functions of the nerves, cells, pores or blood stream; that competing cleansing creams cause pores to become clogged or impair the function of the skin; that the respondent's powder is moisture proof and prevents caking or streaking, or that use of any products sold by the respondent will cause the hair to grow thicker, darker, more abundant or assure lustrous, luxuriant hair or hair with a natural sheen. (02363)

Empire Mattress Company—J. M. and M. A. Kanter, trading as Empire Mattress Company, 809-11 East 23rd St., Kansas City, Mo., have entered into a stipulation to discontinue misleading representations in the sale of mattresses.

The respondents will cease representing, or placing on their mattresses labels or tags indicating, that their products retail or were manufactured to retail at a price in excess of the price at which they are regularly and customarily sold by retailers, and will discontinue selling or supplying customers for sale to others, products to which are affixed any false, fictitious or misleading price in excess of the price at which the mattresses are usually sold at retail. (2434)

Food Chemistry Educational Institute—See New Century Foods, Inc.

Hawk and Buck Company, 801 West Vickery St., Fort Worth, Tex., selling work clothes designated Hawk Brand Dubl-Proof Khakis, agrees to cease representing that its products are shrinkproof, will not shrink, or, through the unqualified use of the words "preshrunk" or "shrunk" or other words of similar import, in advertising or on labels, that its wearing apparel is shrinkproof, nonshrinkable, or has been shrunk or preshrunk to the extent that no remaining shrinkage is left in the goods. The respondent will also discontinue use of the term "Dubl-Proof" in connection with a representation that its clothing will not shrink, when in fact the wearing apparel does contain a residual shrinkage. (02361)

Henning-Larson Glue Company, 11 South Desplaines St., Chicago, selling a casin glue, has entered into a stipulation to desist from the use on labels, stationery or printed matter or otherwise of the word "Waterproof" as descriptive of its glue, when in fact the product is not waterproof or impervious to water or its effects. (2437)

Lund's Grape Juice Company—C. Harrison Lund, trading as Lund's Grape Juice Company, and Lund's Health Institute, 332 East 6th St., Erie, Pa., has entered into a stipulation to cease advertising or representing that his products are an adequate treatment for, or will have any curative effects on various diseases such as stomach, liver, kidney or intestinal troubles, and will desist from use of the words "Health Institute" or any words implying that his business is an institution equipped for the restoration of health, and from representing that the so-called "Consulting Dietist" correspondence course offered by him is of such efficiency that all persons who take it will become qualified to be properly designated "Consulting Dietist". (2438)

May, Stern & Co., 914 Penn Ave., Pittsburgh, engaged in the sale of household goods, including rugs, has entered into a stipulation to cease and desist from certain misleading representations.

In the sale and distribution of rugs, the respondent will discontinue use of the words "Persian" or "Chinese", either alone or in connection with any other words as descriptive of its products, so as to import or imply that the rugs are of oriental origin or manufacture, when such is not a fact, and of the words "triple-loomed" as purportedly descriptive of its products in advertising matter or otherwise, when in fact such words are meaningless and not warranted. (2440)

Mystic Stamp Company—Lawrence K. Shaver, trading as Mystic Stamp Company, World Wide Stamp Company and National Credit Bureau, Camden, N. Y., has entered into a stipulation in which he agrees to cease representing that any recipient of approval sets of stamps not ordered or requested by the recipient, is under contract to pay for or return the merchandise, and to refrain from quoting a figure purporting to be the actual value of a stamp, set of stamps or other merchandise which is in excess of the price for which the articles can be obtained in the usual course of business, and to desist from the use of the trade name "National Credit Bureau," purporting to be an independent collection bureau, for the purpose of collecting payments on his contracts. (2435)

National Credit Bureau—See Mystic Stamp Company.

New Century Foods, Inc.—A Burbank, Calif., group distributing health foods, health appliances and cooking devices, has entered into a stipulation to discontinue use of the word "Institute" in a trade name or in a manner suggesting that a private business is either an organization for promotion of learning, philosophy, art or science or an association of food chemists.

They will also cease advertising that their organization is "for educating the laymen in the science of building perfect bodies" or that its purpose is "purely educational."

Respondents are Martin W. Pretorius, trading as Food Chemistry Educational Institute, and New Century Foods, Inc., a corporation of which Pretorius is chief stockholder and general manager.

Other representations to be discontinued under the stipulation are that the respondents manufacture the products they sell or that they are prepared under direction of Nutritional Chemists, New Century Foods, Inc., or of Nutritional Chemists, Food Chemistry Educational Institute, or of New Century Foods, Inc., when these are not the facts.

The respondents agreed to cease representing that "alkalinization," advertised as one of the beneficial results of using their food, will serve to correct bodily ills generally or that the respondents' products or courses constitute competent remedies for some 40 diseases and conditions. (2439)

Progress Manufacturing Company—Arthur Martin and Joe Fitzjarrald, trading as Progress Manufacturing Company, Arthur, Ill., have entered into a stipulation to desist from unfair methods of competition in the sale of metal burial vaults.

The respondents will discontinue representing in advertisements or purported guarantees that their vaults ar made of rust-resisting material and are waterproof or impervious to water or air, and will so remain and endure under any and all burial conditions.

The stipulation points out that the vaults, under certain conditions of interment, will rust and eventually admit air and water, and thus are not properly represented as being "rust-resisting," "waterproof" or as insuring "complete air-seal protection," as was advertised by the respondents. (2436)

E. F. Timme & Son—Plush and pile fabrics imitating furs in appearance, will no longer be represented as coming from Laborador or the Klondike or Polar regions, under a stipulation entered into by a New York group operating mills in Pennsylvania and Rhode Island.

The respondents are Albert A. Levy, William E. Rochen, and John Hastedt, executors of the estate of Otto Timme, deceased, who operate as E. F. Timme & Son, and Victoria Plush Mills, New York, operating mills in Swarthmore and Lenni, Pa., and Woonsocket Falls Mill, New York, having a plant in Woonsocket, R. I. All three concerns occupy the same or adjoining offices at 1 Park Avenue, New York.

In their stipulation, the respondents agree to cease using or placing in the hands of others for their use, labels, brands or other trade indicia bearing the words "Labrador Fur" or "Klondike Fur," or representations of similar import as descriptive of products not procured from Laborador or the Klondike region or products which are not composed of fur. (2433)

Transcontinental Sales Company—See U. S. Merchandise & Fireworks Co.

U. S. Merchandise & Fireworks Company—Irwin Siegel, doing business as The U. S. Merchandise and Fireworks Company, Cleveland, and T. J. Leviton, trading as Transcontinental Sales Company, Chicago, have entered into stipulations to cease and desist from supplying punch boards, push and pull cards and other lottery devices for distribution to retail dealers and others to be used in the disposal of merchandise to ultimate consumers. (2442-2443)

Woonsocket Falls Mill—See E. F. Timme & Son.

World Wide Stamp Company—See Mystic Stamp Company.

Victoria Plush Mills—See E. F. Timme & Son.

NAB Reports

The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 17, April 28, 1939

The Week In Washington

The threat of the Federal Government getting into the broadcasting business was revived this week when Senator Chavez (D-N.M.) reintroduced his Pan-American radio station bill. It is a revised version of the one he and former Senator McAdoo introduced jointly during the last session of Congress.

The principal changes provide that the letters "PAZ" (Spanish for "peace") be included in the call letters and that the station be built near Washington, D. C., instead of San Diego, California. The NAB will oppose the Chavez bill as it has opposed all similar bills. Even though they are "designed to promote friendly relations among the nations of the Western Hemisphere," the NAB feels that enactment of any one would constitute a long step toward Government ownership of the industry.

Reports that the International Copyright Convention would come before the Senate next week were heard in capital circles this week. The NAB pointed out to all members in a special letter last week why this Treaty should be rejected.

A favorable report on the Johnson bill to ban beer and liquor advertising on the air, ordered last week by the Senate Interstate Commerce Committee, is being drafted and probably will be presented to the Senate within a few days. It is understood that a minority report also is being written. The NAB pointed out in last week's REPORTS that enactment of this bill would cost the broadcasting industry upwards of $1,250,000 a year in revenue.

In this connection, W. S. Alexander, Federal Alcoholic Administrator, told the National Alcoholic Beverage Control Association this week that "there is nothing at the moment that is making so much foul weather for the liquor industry as the continued intrusion in the homes of the country of alluring radio appeals to pep up with this brew and go to town with that". Alexander has endorsed the Johnson bill.

Vermont has enacted a new copyright license law providing that licenses covering performing rights shall be filed with the Secretary of State and placing a 5 per cent gross receipts tax on copyright pools.

The FCC will reopen the record in the Monopoly Investigation on May 11 for Commission cross-examination of David Sarnoff, President of RCA, and George Engels, Vice President of NBC.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FREE OFFERS

Remember the recent Webster's Dictionary free offer? It was a "word game" script, with numerous plugs for Websters.

Well, following the NAB's advice, a New England station manager tackled the publisher for an account.

He was told that 200 stations were using the script free!

The NAB sincerely hopes that none of its members are on this sucker list.

Certainly the industry is losing a lot of good money when it lets prospective advertisers find out that they can chisel time on 200 stations by just hiring a clever script writer.

Use of scripts sent out by the Washable Textiles Bureau and Harcourt, Brace and Company would constitute violation of the NAB Code of Ethics. The NAB has suggested to both that they undertake a regular radio advertising campaign.

The Associated Long Island Newspapers Rooming Bureau, Inc., has suggested that stations carry *free* what amounts to advertising for rooming houses in the neighborhood of the World's Fair. Acceptance of this proposal would constitute violation of the NAB Code.

The American Civil Liberties Union is sending out a weekly "news script" which includes comment and editorial matter about news involving civil liberties. Unless the station attempts to present the other side of the picture, it might be accused of bias.

The same holds true of a transcription offered by the American League for Peace and Democracy, dealing with President Roosevelt's foreign policy. Of course this is a subject of great public interest just now, and might well be given time, provided it is fairly presented.

Legal

VERMONT ENACTS COPYRIGHT MONOPOLY LAW

The legislature of Vermont has enacted and the Governor has approved a new law pertaining to copyright monopolies. The statute provides that a copy of each license agreement covering performing rights for use in the state shall be filed with the secretary of state and shall be open to inspection by any person. The statute further provides for a privilege tax of five per cent of gross receipts derived by the copyright owner from the sale or licensing of performing rights.

ADVERTISING OF IMPORTED PRODUCTS

A bill, H. R. 5985, has been introduced in Congress by Mr. Flannery, of Pennsylvania, which provides that all advertisements of imported articles must clearly show the country of origin. It provides that when the advertisement is by radio broadcasting a statement showing the foreign country of origin shall be made both at the beginning and at the close of the broadcast. Failure to make such announcement would constitute an unfair and deceptive practice within the meaning of Section 5 of the Federal Trade Commission Act. The Act would apply to all imported articles or to any articles assembled in the United States where the major portion of the materials used, either by volume, weight or value, have been imported from a foreign country.

NEW LEGISLATION

CONGRESS

H. R. 5985 (Mr. Flannery, Penna.) ADVERTISING—To require announcement of place of origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee.

STATE LEGISLATION

Florida:

H. 611 (Hotels and Innkeepers) PERSONAL SOLICITING—Prohibiting walking or standing in public streets or highways to distribute advertising to occupants of motor vehicles or to make solicitations for same. Referred to Calendar Committee.

H. 625 (Com. on Hotels and Innkeepers) HOTELS—FALSE STATEMENTS—Providing for the punishment of any person making false statement concerning any hotel, apartment hotel or boarding house. Referred to Calendar Committee.

Michigan:

S. 460 (Baldwin) PURE FOOD AND DRUGS—To prohibit the adulteration, misbranding and false advertising of foods, drugs, devices and cosmetics. Referred to State Affairs Committee.

Texas:

H. 986 (Petsch) POLITICAL LIBEL—To define as libel any false statement written, printed or published with intent to injure the reputation of any public official. Referred to Criminal Jurisprudence Committee.

CHAVEZ BILL

Here is the text of the Chavez bill to put the federal government into the broadcasting business:

A BILL

To authorize the construction and operation of a radio-broadcasting station designed to promote friendly relations among the nations of the Western Hemisphere.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Secretary of the Navy is authorized and directed to construct, maintain, and operate an adequately equipped radio-broadcasting station, which shall have such power as may be necessary to transmit programs upon high frequencies to all the nations of the Western Hemisphere. Such station shall be known as the "United States Pan American Radio Station" and shall be located in the vicinity of Washington, District of Columbia, at a location to be selected by the Secretary of the Navy. The frequencies and call letter of such station shall be assigned to it by the Federal Communications Commission. The call letters of such station shall include "P-A-Z," arranged in that order for the purpose of signifying "peace" in the Spanish and Portuguese languages, and shall contain such other letters or figures as the Commission may prescribe with a view to the observance of the treaty obligations of the United States.

Sec. 2. The programs broadcast by such station shall be selected by the Secretary of State and shall be of such a nature as to promote friendly relations among the United States and the other nations of the Western Hemisphere. Such programs shall be particularly designed to strengthen the cultural, political, and commercial ties among the United States and such other nations of the Western Hemisphere.

Sec. 3. There is hereby created an advisory council to be known as the "Pan American Radio Station Advisory Council" (hereinafter referred to as the "council") and to be composed of the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, and the Chairman of the Federal Communications Commission, or such representatives of those officials as they may designate and two other officers of the United States to be selected by the President. The Council shall, subject to the exclusive power of the Secretary of State to select the programs broadcast by the Pan American Radio Station, determine all questions of general policy with respect to the operation of such station. The members of the Council shall not receive any additional compensation for the performance of their duties as members of the council.

Sec. 4. The Secretary of State may, under such terms and conditions as he may prescribe and with the approval of the Council, permit any privately owned commercial company to use the facilities of such station for the broadcast, without profit to any such company, of programs approved by said Secretary.

Sec. 5. There are hereby authorized to be appropriated (1) the sum of $3,000,000, for the purpose of acquiring the lands, constructing the buildings, purchasing the equipment, and doing all other acts necessary to construct and place in operation the radio station provided for by this Act; (2) for each fiscal year, beginning with the fiscal year ending June 30, 1940, the sum of $100,000, or so much thereof as may be necessary, for the purpose of maintaining and operating such station; and (3) for each fiscal year, beginning with the fiscal year ending June 30, 1940, such sums as may be necessary to enable the Secretary of State to provide programs to be broadcast from such station.

CLIFFORD CHAFEY ELECTED

Clifford Chafey, WEEU, Reading, Pa., was elected district director at a District 3 meeting in Philadelphia on April 24, to succeed Clair R. McCollough, WGAL, Lancaster.

Neville Miller led a discussion of copyright that occupied most of the afternoon session. Paul Peter, NAB Research Director, Edwin M. Spence, Secretary-Treasurer, and Joseph L. Miller, Labor Relations Director, discussed other NAB problems.

At an evening meeting, Mr. McCollough was elected president of the Pennsylvania Broadcasters Association.

Those at the district meeting included:

Roy Thompson, WFBG, Altoona; J. C. Tully, WJAC, Johnstown; A. W. Dannenbaum, Jr., and Patrick Stanton, WDAS, Philadelphia; Isaac D. Levy, Leon Levy and Alan Scott, WCAU, Philadelphia; Samuel Rosenbaum and Roger Clipp, WFIL, Philadelphia; Norman Reed and William Appelby, WPG, Atlantic City, N. J.; A. K. Redmond and R. S. Duncan, WHP, Harrisburg; Benedict Gimbel, Jr., and Edward A. Davies, WIP, Philadelphia; George Joy and W. V. Person, WRAK, Williamsport; W. P. Ogelsby, Jr., and Milton Laughlin, WHAT, Philadelphia; Clair R. McCollough, District Director; J. E. Mathiot, Walter O. Miller and J. Richard Bauman, WGAL, Lancaster; Joseph M. Nassau and John Morgan Davis, WIBG, Glenside; B. Bryan Musselman, WCBA, Allentown; C. G. Moss, WKBO, Harrisburg; H. J. Brennan, H. K. Brennan, John J. Laux, KQV, Pittsburgh; Leslie Joy, KYW, Philadelphia, representing S. D. Gregory, KDKA, Pittsburgh; Leonard Kapner, WCAE, Pittsburgh; Clifford Chafey, WEEU, Reading; George W. Beck, Basse A. Beck, Melvin Lahr, WKOK, Sunbury; George D. Coleman, R. E. McDowell, WGBI, Scranton; Douglas Hibbs and Harry N. Cocker, WTEL, Philadelphia.

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NAZI DECREE

The German Nazi government has decreed it a crime to repeat information broadcast from any foreign station if that information is unfavorable to the government or the Nazi party.

CONNERY DEMANDS PROBE

Representative Connery (D-Mass.) renewed his demand in the House this week for an investigation of both the FCC and the broadcasting industry. He made a 20-minute speech, dealing for the most part with network contracts.

PAT ALAN

W. W. Behrman, manager of WBOW, Terre Haute, Ind., asked anyone knowing the whereabouts of Pat Alan or Robert L. Fahenstock to wire him collect.

RADIO REPORTERS GET GALLERY IN HOUSE OF REPRESENTATIVES

News reporters for broadcasting stations and news agencies serving broadcasting stations now have a special gallery in the House of Representatives, and are expected to get a special gallery soon in the Senate.

This arrangement is a compromise between broadcasting newsmen and newspaper reporters. The former sought admission to the regular press gallery, but the newspapermen objected on the ground that their gallery was overcrowded.

The NAB backed Fulton Lewis, Jr., MBS reporter, who led the fight for admission.

FCC TELEVISION COMMITTEE

A number of Television companies with which the Television Committee of the Federal Communications Commission did not confer when it went on a trip a short time ago, will come to Washington next week to confer with the Committee.

On May 2, the Majestic Radio and Television Corporation of Chicago will confer with the Committee, and on the same day representatives of the Zenith Radio Corporation of Chicago will also hold a conference.

On May 3, the Wald Radio and Television Laboratories of New York will confer with the Committee, and on the same date Crosley Corporation representatives of Cincinnati will hold a conference.

On May 9, the Don Lee Broadcasting Corporation of Los Angeles will confer with the Committee.

Following these conferences and the trip which was made recently, the Television Committee feels that it will have discussed the Television situation with all of the corporations now working on this subject.

MORE MONOPOLY HEARINGS

Further hearings will be held at the Federal Communications Commission beginning May 11 in connection with the monopoly investigation. David Sarnoff, president of the Radio Corporation of America, and George Engles, vice-president of the National Broadcasting Company, are being recalled to the stand by the Commission for cross-examination.

The Commission has referred to its Legal Division the motion of Louis G. Caldwell, counsel for Mutual, that the Commission ban renewal of network contracts beyond December 31, 1940.

There is a possibility that later some additional engineering testimony will be heard in connection with the monopoly investigation case.

BLACK RIVER VALLEY SUIT

The petition of the Black River Valley Broadcasting, Inc., for a review of a decision of the District of Columbia Court of Appeals dismissing its suit for injunction against the FCC was denied this week by the United States Supreme Court. The Broadcasting Company which was granted a permit to construct a station at Watertown, N. Y., assailed action of the Commission in ordering a new hearing in the case.

BILL ON "PEOPLE'S PLATFORM"

Edgar L. Bill, Director of WMBD, Peoria, Illinois, appeared on "The People's Platform" broadcast over the Columbia Broadcasting System last Sunday evening, 7 to 7:30 p. m. On the panel discussion with Mr. Bill were Lyman Grayson, Chairman of the CBS Adult Education Board; Dr. John W. Studebaker, Commissioner of the United States Office of Education; Senator Burton K. Wheeler, Montana; and Gertrude H. Bowling of the Visiting Nurses Association. The discussion by Senator Wheeler and Mr. Bill pertained principally to educational programs and freedom of radio from censorship.

FEDERAL COMMUNICATIONS COMMISSION

DECISION OF COMMISSION

The Federal Communications Commission this week issued a decision granting Station KTOK, **Oklahoma City, Oklahoma,** permission to change its equipment and to operate unlimited hours on **1370 kilocycles,** 250 watts day, 100 watts night. At present, the station operates on the same frequency, unlimited hours, 100 watts power.

In its Findings of Fact in connection with the decision, the Commission found that the interests of other existing stations would not be adversely affected as a result of this decision. The Commission also found that the applicant is in all ways qualified to complete the changes and to operate the station as proposed.

Commissioner Thompson did not participate in this decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of May 1. They are subject to change.

Monday, May 1

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

Tuesday, May 2

Further Hearing

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

Friday, May 5

NEW—Thumb Broadcasting Co., Brown City, Mich.—C. P., **880 kc.**, 1 KW, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

May 11

Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., **620 kc.**, 1 KW, unlimited time (DA night).

NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., **1500 kc.,** 100 watts, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.,** 1 KW, unlimited time (DA night). Present assignment: **620 kc.,** 250 watts, daytime.

Examiner's Report No. I-727:

WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Transfer of control of corporation; **1200 kc.,** 100 watts, shares WJBC.

June 1

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.,** 100 watts, unlimited time.

NEW—North Shore Broadcasting Co., Salem, Mass.—C. P., **1200 kc.,** 100 watts, unlimited time.

June 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, unlimited time.

June 5

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

June 7

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., **940 kc.,** 1 KW, daytime. Present assignment: **940 kc.,** 250 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KXYZ, Houston, Tex.; WBBC and auxiliary, Brooklyn, N. Y.; WEVD and auxiliary, New York City; WFEA, Manchester, N. H.; WBNS and auxiliary, Columbus, Ohio; KFJM, Grand Forks, N. Dak.; KGER, Long Beach, Calif.; KOH, Reno, Nev.; KOMA, Oklahoma City, Okla.; WFBC, Greenville, S. C.; WMBD, Peoria, Ill.; WSPD, Toledo, Ohio; KCRC, Enid, Okla.; KGA, Spokane, Wash.; KGIR, Butte, Mont.; KGNO, Dodge City, Kans.; KRNT, Des Moines, Iowa; KTBS (auxiliary), Shreveport, La.; KTUL, Tulsa, Okla.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WCBA, Allentown, Pa.; WCOA, Pensacola, Fla.; WCSC, Charleston, S. C.; WDRC, Hartford, Conn.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHDL, Olean, N. Y.; WLAC, Nashville, Tenn.; WMBG, Richmond, Va.; WMBG (auxiliary); WQBC, Vicksburg, Miss.; WSAN, Allentown, Pa.; WSFA, Montgomery, Ala.; WVFW, Brooklyn, N. Y.; WGES, Chicago; WHP, Harrisburg, Pa.

Licenses for the following stations were extended upon a temporary basis only, for the period ending June 1, pending determination upon the applications for renewal of licenses:

KID, Idaho Falls, Idaho; WAAB and auxiliary, Boston, Mass.; WBCM, Bay City, Mich.; WHIP, Hammond, Ind.; WQDM, St. Albans, Vt.; WTAQ, Green Bay, Wis.; KGBU, Ketchikan, Alaska; WHOM, Jersey City, N. J.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken by the Commission upon the application of WBNX for renewal of license pending before it.

W2XDV—Columbia Broadcasting System, Inc., New York City.—Granted renewal of high frequency broadcast (exp.) station license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W1XKA—Westinghouse E. and M. Co., near Boston, Mass.; W1XKB—E. Springfield, Mass.; W8XKA—Pittsburgh, Pa.—Granted renewal of high frequency broadcast (exp.) station license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XO—The Crosley Corp., Mason, Ohio.—Granted renewal of experimental broadcast station license for the period May 1, 1939, to May 1, 1940.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license further extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.

The following licenses for high frequency broadcast (exp.) stations were extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon applications for renewal of licenses:

W9XUY, Omaha, Nebr.; W9XHW, Minneapolis; W8XNU, Cincinnati, Ohio; W9XA, Kansas City, Mo.; W8XQJ, Detroit; W9XLA, Denver; W2XQO, Flushing, N. Y.; W4XCA, Memphis, Tenn.; W9XUP, St. Paul; W2XDG, Bound Brook, N. J.; W2XGH, New York City; W9XH, South Bend, Ind.; W4XBW, Chattanooga, Tenn.; W5XAU, Oklahoma City, Okla.; W1XER, Sargents Purchase, N. H.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Clarence H. Fray and Robert O. Greever, Logan, W. Va.—Application for C. P. for new station to operate on **1200 kc.,** with 100 watts, daytime only.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Application for C. P. requesting change in existing television equipment, reducing power from 125 to 100 watts and change in frequency assignment from **2000-2100 kc.** to **42000-56000 kc.** (The application was designated for hearing because applicant failed to submit a satisfactory program of research and experimentation as contemplated by the Commission's rules and regulations.)

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Application for modification of license to increase power from 100 watts night, 250 watts day, to 250 watts both day and night. (To be heard before the Commission.) Application designated for hearing because the request violated Rule 121.

KWOS—Tribune Printing Company, Jefferson City, Mo.—Application for modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission.) Application designated for hearing because request violates Rule 121.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Application for renewal of license; 60-day temporary license granted pending hearing. Application designated for hearing in view of provisions of Sec. 310(a) (5) of the Act, regarding alien connections of officers or directors.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Application for renewal of license; 60-day temporary license granted pending hearing. Application designated for hearing in view of provisions of Sec. 310(a) (5) of the Act, regarding alien connections of officers or directors.

KUMA—Albert H. Schermann, Yuma, Ariz.—The issues raised in the Order of Revocation of license for station KUMA entered by the Commission February 20, 1939, effective April 1, 1939, to be heard before Commissioner Case on May 22.

MISCELLANEOUS

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to commence operation at 6 a. m., Daylight Saving Time instead of 6 a. m., CST, for the period April 28 to September 24, in order to maintain same sign-on time after time changes of April 28 go into effect.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to test the effectiveness of the directional antenna during daylight hours of operation with an operating power of 1 KW, for a period not to exceed 30 days, in order that field intensity measurements may be made for furnishing proof of performance.

WADN—The Asheville Daily News (Harold S. Thomas, Owner), Asheville, N. C.—Granted special temporary authority to operate a 100-watt portable transmitter in Asheville and vicinity during the period from 1 hour after sunrise to 1 hour before sunset, for a period not to exceed 30 days, in order to make transmitter site tests.

KSFM—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station KSFM aboard Boeing seaplane YANKEE CLIPPER on frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.,** in addition to the normal licensed frequencies for the period April 28 to May 27, for transmission of special program features from newly developed Boeing seaplane during first public service flight to Europe.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST), to 9:30 p. m., CST, on May 7, 14, 21 and 28, in order to broadcast Sunday Evening Church services.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W2XE over station WKAQ, on a noncommercial experimental basis only, for the period April 21 to May 20.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Denied extension of special temporary authority to operate unlimited time on **1180 kc.,** using 10 KW, employing directional antenna system after sunset at Portland, Ore. (April, 7 p. m., and May 7:30 p. m., PST), for the period April 23 to May 22.

KEX—Oregonian Publishing Co., Portland, Ore.—Denied authority to operate unlimited time on **1180 kc.,** using 5 KW, for the period April 23, and ending no later than May 22.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 7:15 p. m., and from 8:45 to 10:30 p. m., on April 25; from 9 a. m. to 11:30 a. m., and from 1:30 to 10:30 p. m., April 26; from 9 to 11:30 a. m. and from 1:30 to 10:30 p. m., April 27; from 9 to 11:30 p. m., from 1:30 to 7:15 p. m., and from 8:45 to 10:30 p. m., April 28; from 8 to 11:30 a. m., and from 1:30 to 3 p. m., MST, April 29, in order to broadcast State Music Week Contest and Vocal Festival.

WSAL—Franm M. Stearns, Salisbury, Md.—Denied special temporary authority to operate with power of 100 watts, from 7:15 to end of game on May 4, 5, 7, 8, 10, 11, 13, 14, 17, 19, 22, 24, 25, 27, 28, 30, or in event it is necessary to cancel any of these dates to extend such postponed dates as may be fixed, in order to broadcast baseball games.

NEW—Wendell Mayes, Joe N. Weatherby & Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Granted motion for order to take depositions in re application for C. P. to operate on **990 kc.,** 1 KW, daytime.

Samuel M. Emison, Vincennes, Ind.—Denied motions of Intervenor for orders to take depositions in re application of the Vincennes Newspapers, Inc., for a new station in Vincennes, Ind., to operate on **1420 kc.,** 100 watts unlimited. Exception to the ruling noted by counsel for petitioner.

NEW—John R. Pepper, Greenville, Miss.—Granted petition to take depositions and motion for waiver of 25-day filing requirement in re application for C. P. to operate on **1310 kc.,** 100 watts, 250 watts LS, unlimited.

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted petition for order to take depositions in Lawrence, Kans., in re application for C. P. to move transmitter and studio and install DA for day and night use.

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted petition for order to take depositions in Kansas City, Mo., in re application for C. P. to move transmitter and studio and install DA for day and night use.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to amend C. P. for change in equipment in re application for local move of transmitter and studio and install new antenna.

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Denied petition to dismiss without prejudice, application for C. P. to change frequency from **1450** to **620 kc.,** and increase power from 1 KW, unlimited time to 1 KW, 5 KW LS, unlimited time, using DA at night.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted petition to continue hearing for period of 30 days from May 2, on application for C. P. to change power from 100 watts, unlimited, to 100 watts night, 250 watts day, unlimited.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to accept late appearance in re application for C. P. to install new antenna and move transmitter and studio locally. Also granted petition to continue hearing now scheduled for April 24, for a period of 60 days, date to be fixed by Docket Section.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing now scheduled for April 24, for a period of 60 days, date to be fixed by Docket Section, on application for renewal of license.

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted petition to accept respondent's appearance filed late, in re application of WQDM, St. Albans, Vt., for modification of license to increase hours of operation from daytime only to local sunset at WHK on **1390 kc.,** 1 KW.

NEW—M. L. Medley, Cookeville, Tenn.—Granted petition to take depositions in re application for C. P. for a new station to operate on **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted petition to continue hearing on application for C. P. to increase power from 250 watts to 1 KW, for a period of 30 days from May 8, date to be fixed by Docket Section.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period April 30 to September 1, in order to conform with the adoption of Daylight Saving Time in Chicago.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W3XAU over station WKAQ, on a non-commercial experimental basis only, for a period not to exceed 30 days.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on May 6, 13, 20, 27 and June 3, in order to broadcast newscasts, musical programs and other features of public interest; from 8:30 to 10 a. m., and 2 to 3 p. m., EST, on May 7, 14, 21, 28 and June 4, in order to broadcast religious services, newscasts and musical programs; unlimited time on May 30, in order to broadcast Memorial Day programs (provided WSVS remains silent).

CKLW—Essex Broadcasting Inc., Detroit, Mich.—Granted special temporary authority to transmit program consisting of religious service known as Novena in honor of the Little Flower to radio station CKLW from Shrine of Little Flower, Royal Oak, Mich., for a period not to exceed 10 days from May 1.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Rescinded action taken April 20 in denying extension of special temporary authority to operate unlimited time on **1180 kc.,** employing DA system after sunset at Portland, Ore., and granted same for a period of 30 days.

KEX—Oregonian Publishing Co., Portland, Ore.—Rescinded action taken April 20 in denying extension of special temporary authority to operate unlimited time on **1180 kc.,** using 5 KW, for a period of 30 days.

WRKL—P. W. Spencer, Rock Hill, So. Carolina.—The Commission closed the records and deleted the call signal WRKL, in re the application for C. P. for a new station to operate on **1500 kc.,** 100 watts, daytime, which was granted by the Commission under date of December 5, 1938, subject to specifying the exact transmitter location and antenna system, because applicant has requested relinquishment of the authority.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 5 to 6 a. m., EST, for the period April 30 to September 24, in order to conform with the adoption of Daylight Saving Time in St. Albans.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate on Daylight Saving Time for the period April 30 to June 1, 1939, instead of Central Standard Time as specified in license.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to broadcast on National Broadcasting Co. network of stations program material received from Relay Broadcast Station WOEG operated by General Electric Co., aboard new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, for the period April 26 to May 10; NBC to pick up programs from moving train via special temporary receiving stations and feed program over wireline connections to most convenient stations affiliated with network.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XPW authorized by modification of C. P., on frequency of **43.4 megacycles,** with power of 1 KW, for the period April 24 to May 23, pending definite arrangements to be made in the ultra high frequency bands.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW at night, for the period May 5 to June 3, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.** or reduces power so that additional interference is not involved.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period May 6 to May 31, in order to broadcast certain educational programs.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., over station WJBY, for the period 3 a. m., June 1, to 3 a. m., December 1, EST.

KTKC—Tulare-Kings Counties Radio, Chas. A. Whitmore, Pres., Visalia, Calif.—Granted special temporary authority to operate from 9 to 9:15 p. m., PST, in order to broadcast transcribed music, and from 9:15 to 9:45 p. m., PST, on May 6, in order to broadcast The Banks of America program.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to conduct site survey tests in the vicinity of Detroit on frequency **1280 kc.,** power of 100 watts, during daytime, for a period beginning 1 hour after local sunrise and ending 1 hour prior to local sunset, not to exceed 30 days.

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, operated by General Electric Co., from 8:15 to 9:15 a. m., PST, on April 24, in order to broadcast opening of new Union Pacific Railroad Station in Los Angeles.

KGCA—Charles Walter Greenley, Decorah, Iowa—Granted extension of special temporary authority to remain silent for the period April 22 to May 21, 1939, pending KWLC's compliance with Rule 131.

KOME—Harry Schwartz, Tulsa, Okla.—Denied extension of special temporary authority to operate from 8:30 to 10:30 p. m., CST, for the period beginning April 26, in order to broadcast the Texas League baseball games, using 100 watts only.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Denied special temporary authority to operate under license granted March 6, for a period not to exceed 30 days, pending KWLC's compliance with Rule 131.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted C. P. to make changes in equipment.

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Granted C. P. to install auxiliary transmitter at main transmitting location, with 1 KW power employing DA system for day and nighttime operation for auxiliary purposes only.

WILM—Delaware Broadcasting Co., Inc., Wilmington, Del.—Granted license to cover C. P. authorizing local move of transmitter site, installation of vertical radiator, and change in time of operation from S-WAZL to simultaneous D-WAZL and continued S-WAZL nighttime.

WRDI—Northwestern Publishing Co., Danville, Ill., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WDAN; frequencies **1622, 2058, 2150** and **2790 kc.;** 100 watts.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted modification of C. P. to install new equipment and extend commencement date to 4 days after grant, and completion date to 120 days thereafter.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment and installation of vertical radiator.

W1XLU—The Travelers Broadcasting Service Corp., Hartford, Conn., Portable-Mobile.—Granted modification of relay broadcast station license to reduce authorized power without new construction from 5 watts to 0.2 watts.

W1XT—The Travelers Broadcasting Service Corp., Hartford, Conn., Portable-Mobile.—Granted modification of relay broadcast station license to reduce authorized power without new construction from 100 watts to 25 watts.

WLTH—Voice of Brooklyn, Inc., New York City.—Granted license to cover C. P. authorizing changes in antenna to replace top section which was destroyed by storm.

KSL—Radio Service Corp., of Utah, Salt Lake City, Utah.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG operated by General Electric Co. aboard new streamline train of Union Pacific from 4 p. m. to 5 p. m., MST, on April 25.

W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on the frequency **42.8 megacycles** now assigned Edwin H. Armstrong in order that Armstrong and General Electric may make simultaneous frequency modulation tests using same channel, for the period April 22 to May 21.

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate high frequency broadcast station on frequency of **43.2 megacycles** with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services, with respect to Commission's Order No. 19, for the period April 30 to May 29.

W2XMN—Edwin H. Armstrong, Near Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station on frequency **42.3 megacycles,** power output 40 KW, for the period May 15 to June 13, pending definite arrangements to be made in the ultra high frequency bands.

W2XDA—General Electric Company, Schenectady, N. Y.—Granted special temporary authority to test the high frequency broadcast equipment of Station W2XDA on the frequency **41000, 41250,** and **41500 kc.,** power output 50 watts, for a period of 30 days, for the express purpose of conducting frequency modulation experiments.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority for daytime operation of new WFBR plant using directive antenna and daytime power as authorized by C. P. modified February 23, 1939, 5 KW, in order to collect field data essential to proof of performance report, for a period of 30 days.

KGNF—Great Plains Broadcast Co., North Platte, Neb.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. located aboard the new streamline train of Union Pacific en route Los Angeles to New York World's Fair April 27 between 7 and 8 a. m.

WOW—Woodmen of the World Life Insurance Society, Omaha, Neb.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. located aboard the new streamline train of Union Pacific en route Los Angeles to New York World's Fair from 12:30 to 1 p. m., and from 5:30 to 5:45 p. m., CST, on April 27.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. located aboard the new streamline train of Union Pacific en route Los Angeles to New York World's Fair from 6:45 p. m., to approximately 7:30 p. m., EST, on May 1.

KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. aboard new streamline train of Union Pacific from 12 noon to 2 p. m., CST, on April 27.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to operate from 8:45 to 11:30 p. m., CST, on May 15, in order to broadcast a Chamber of Commerce banquet, using 100 watts only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 2:30 to 4:30 p. m., EST, on April 30, in order to broadcast celebration of Sesquicentennial, U. S. Constitution.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., and from 2 to 3 p. m., EDST, instead of EST, for the period beginning April 30 (instead of from April 23 as authorized in grant of December 19) and ending in no event later than June 23, (provided WBNY remains silent).

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2 p. m., MST, on May 1, 8, 15, 22 and 29, in order to broadcast livestock auction and merchants program from Fort Morgan, Colo.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Granted special temporary authority to operate from 10 p. m., to 1 a. m., AST, on April 29, in order to broadcast May festivals at the Casino de Mayaguez; to operate from 10 p. m. to 1 a. m., on May 6, 13, 20 and 27, in order to broadcast May festivals; to operate from 9 to 11 a. m., and from 2 to 6 p. m., on May 7, 14, 21 and 28, in order to broadcast baseball games and athletic meetings at the municipal stadium; to operate from 9 to 11 a. m., and from 2 to 6 p. m., on May 30, in order to broadcast services pertaining to Memorial Day.

At the Oral Argument held on April 27 (all Commissioners present), the Commission unanimously dismissed the following application with prejudice, counsel for the applicant having filed a petition for dismissal without prejudice which was denied in the Motions Docket on April 21:

KTBS—Ex. Rep., 1-758—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P. amended so as to request: move transmitter to Benton Road, Bossier, La.; install new equipment and directional antenna system for nighttime operation; change frequency from **1450** to **620 kc.**; increase day power from 1 to 5 KW.

APPLICATIONS FILED AT FCC

600 Kilocycles

WREC—Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tenn.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: To change name from WREC, Incorporated, to Hoyt B. Wooten, d/b as WREC Broadcasting Service.

680 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., E. Providence, R. I.—Construction permit to install new transmitter, make changes in directional antenna and use directional antenna nighttime only, increase power from 500 watts; 1 KW day, to 1 KW night, 5 KW day, change transmitter site from 680 Barrington Parkway, E. Providence, R. I., to Wampanoag Trail, E. Providence, R. I.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit for a new station to be operated on **680 kc.**, 250 watts power, limited time.

880 Kilocycles

WSUI—State University of Iowa, Iowa City, Iowa.—Construction permit to install new transmitter and antenna and change transmitter site from Capitol and Washington Sts., Iowa City, Iowa, to Iowa City, Iowa.

890 Kilocycles

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of construction permit B4-P-1449, for increase in power, new equipment, directional antenna, night change in transmitter site, further requesting move of transmitter from Intersection Highway No. 3, and Ferguson Ave. Extension, near Shenandoah, Iowa, to near Manawa Lake, Iowa, and studio from 407 Sycamore St., Shenandoah, Iowa, to site to be determined Council Bluffs, Iowa. Extend commencement and completion dates and make changes in directional antenna.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit B3-P-2318, to increase power, install directional antenna for night use, requesting further changes in equipment.

1060 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Modification of license to increase power from 500 watts to 1 KW. Amended: Re hours of operation.

1200 Kilocycles

WDSM—WDSM, Inc., Superior, Wisc.—Modification of construction permit B4-P-770, as modified, for a new station, requesting changes in type of transmitter, move of transmitter from 38th St. and Tower Ave., Superior, Wisc., to 200 Main St., Superior, Wisc., and extend commencement and completion date from 10-9-38 and 6-9-39 for 10 and 90 days. Amended: Antenna changes.

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night. Amended: To correct night power.

1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Construction permit to install new antenna, move transmitter from City Hall, Second and Walnut Sts., to Railroad and Walnut, Blytheville, Ark., and studio from 205 W. Main St., Blytheville, Ark., to same site as transmitter. Amended: Antenna changes and changes in transmitter.

1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—License to cover construction permit B3-P-2189, for new transmitter and antenna, increase in power and change in transmitter site.

1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from **1350** to **630 kc.**, changes in antenna, directional antenna for night use, and transmitter changes, requests facilities of KFRU and WGBF.

1370 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Construction permit to make changes in equipment, antenna, change frequency from **1370** to **630 kc.**, increase power from 100 watts night, 250 watts day, to 1 KW, and change hours of operation from S-KONO to unlimited. Amended: Site to be determined, San Antonio, Texas.

NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Company, Opelika, Ala.—Construction permit for a new station on **1370 kc.**, 100 watts, 250 watts power, unlimited time.

1390 Kilocycles

NEW—Broadcasting Corporation of America, Riverside, Calif.—Construction permit for a new station on **1270 kc.**, 250 watts, unlimited time. Amended: To request **1390 kc.**, 1 KW power, equipment changes and antenna changes, give transmitter site as Redwood Drive and River, Riverside, Calif. Request facilities of KOY when KOY goes to a new frequency.

1420 Kilocycles

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended: To specify a vertical antenna, and transmitter site at rear of Nos. 506-510 3rd Ave., SE. (Lot 9, Block 41), Cedar Rapids, Iowa, and studio at 506-510 3rd Ave., SE., Cedar Rapids, Iowa.

WLAP—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Special experimental authorization to rebroadcast facsimile transmissions of radio station WLW, from 1:05 to 2:15 a. m., CST, using 250 watts power.

WEED—William Avera Wynne, Rocky Mount, N. C.—License to cover construction permit B3-P-2301, for a new transmitter.

1500 Kilocycles

KDAL—Red River Broadcasting Company, Inc., Duluth, Minn.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 100 watts; 250 watts day.

MISCELLANEOUS

NEW—Florida West Coast Broadcasting Co., Inc., Clearwater, & Tampa, Fla.—Construction permit for a new low frequency relay station on **1622, 2058, 2150** and **2790 kc.,** 40 watts, A-3 emission.

NEW—George Harm, Fresno, Calif.—Construction permit for a new relay broadcast (Low Frequency) station on **1622, 2058, 2150** and **2790 kc.,** A-3 emission, unlimited time, 24 watts. Vicinity of Fresno, Calif.

NEW—Herbert L. Wilson, New York, N. Y.—Construction permit for a new experimental broadcast station on **12862.5, 17310, 23100 kc.,** 250 watts, unlimited time, A-3 emission. Located at 260 E. 161st Street, New York, N. Y.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Darling & Co., Inc., dealer in hides, fertilizers and allied products, with headquarters in Chicago and places of business in many Eastern and Midwestern States, is the respondent in a complaint charging the corporation with acts and practices tending to hinder competition and create a monopoly.

The complaint charges that with the intent to restrain and control the supply and prices of material and for the purpose of injuring and eliminating competition, the respondent has (1) paid and is paying in localities in which it meets competition in the purchase of raw materials, prices higher than justified by trade conditions and so high as to be prohibitive to its competitors; (2) quoted, in localities in which it meets competition, prices so high as to be prohibitive to its competitors, without intending to pay such prices, but by the quoting thereof making it difficult, if not impossible, for its competitors to buy at prices lower than the prices quoted; (3) enticed, by the payment of higher wages and by other means, drivers covering routes of sources of supply of raw materials of its competitors, to leave the employ of its competitors, and to enter into the employ of the respondent for the purpose of obtaining for the respondent the supply of raw materials previously obtained by the drivers for such competitors; (4) held out certain of its subsidiary corporations as being independent from the respondent, and refrained from notifying the trade and the public that these subsidiaries are controlled and affiliated with the respondent; (5) agreed with certain of its large competitors upon divisions of territory for the purchase of raw materials; (6) for the purpose of forcing certain of its competitors to sell their businesses to respondent or to go out of business altogether, paid prices for raw materials not justified by trade conditions and so high as to be prohibitive to competitors, and (7) in connection with purchases of raw materials by certain of its competitors, disparaged the financial standing, ability and integrity of such competitors. (3766)

Kirk Medicine Company—Lou Sterling and Walter Fehr Gardner, trading as Kirk Medicine Company, Hollywood, distributors of medicinal preparations designated "Kirk's Tablets", "Kirk's Pancreatin Compound Tablets", and "Kirk's Tablets Pancreatin Compound," are charged in a complaint with misrepresentations of the effectiveness of their compounds in the treatment of ailments of the digestive system.

Among statements broadcast by radio and disseminated by respondents are "The alkaline content of Kirk's Tablets aid nature in neutralizing and eliminating the acid accumulated in the digestive system." . . . "Do you have that headachy, listless, worn out feeling, back aches, upset stomach and no appetite— * * * acid indigestion. The accumulation of bacteria in the digestive system is the answer in a great many cases, as is attested in the thousands of letters we have received from users of Kirk's Tablets, who have found almost instant relief from their use."

The complaint charges that the tablets contain no alkalizing substance, would not be a cure or remedy for the ailments named, and that representations that thousands of users have attested to the beneficial results secured from the use of the tablets is untrue. It is alleged that the representations of the respondent are gross exaggerations which are misleading and untrue and constitute false advertisements. (3770)

E. A. Morgan & Company—A complaint has been issued against E. A. Morgan & Co., 412 Building Industries Building, Cincinnati, and against E. A. Morgan, individually and as the company's president, charging unfair representations in the sale of a powdered preparation represented as being capable of improving the wearing qualities of hosiery and lingerie.

In the sale of their preparation, designated "Run-Safe," "Run-Free," and "Runless," the respondents are alleged to have represented, directly or by inference, that it will prevent runs, snags and breaks and rotting and fading in silk hosiery and lingerie; that it sets or holds the color of such garments; that it renders silk hosiery and lingerie "Rain-Spot Proof," and that it will save users approximately 50 per cent of hosiery and lingerie cost.

The complaint alleges that these representations are false and misleading in violation of the Federal Trade Commission Act. (3771)

Pascal Company, Inc.—Misleading representations in the sale of "Breatheasy," advertised as a treatment for bronchitis and other diseases, are alleged in a complaint issued against Pascal Company, Inc., Seattle, Wash.

Advertising literature circulated by the respondent company is alleged to have contained representations to the effect that "Breatheasy" and the "Breatheasy Treatment" constitute a cure or remedy and a competent and efficient treatment for chronic bronchitis, heart disease, cardiac distress, gastric ulcers, serum rashes, hives and other skin diseases, and inflammation of the nose, throat, tonsils, larynx and lungs, and neuralgia and neuritis.

These representations greatly exceed those which might truthfully be made for the preparation and the treatment, according to the complaint. "Breatheasy" and the treatment are alleged not to be a cure or remedy or effective or competent treatment for the diseases mentioned.

The complaint also alleges that the respondent disseminated false advertisements by failing to reveal therein that use of its preparation under the conditions prescribed or under customary conditions may in some cases be injurious to health. The complaint alleges that because of the presence of epinephrine or synthetic adrenalin, use of the preparation would be definitely harmful to persons suffering from high blood pressure, toxic goiter, diabetes or heart disease. (3768)

S & K Sales, Inc.—See Wells Sales Company.

Wells Sales Company—Use of lottery methods in the distribution and sale of merchandise to ultimate consumers, is charged against Jean Lawrence, trading as Wells Sales Company, 4930 Monticello Ave., Chicago, and S & K Sales, Inc., 104 North Broadway, St. Louis, in complaints.

Wells Sales Company sells and distributes radios, waffle irons, tableware and other merchandise, and also, the complaint charges, furnishes dealers with push cards by means of which customers purchase goods at varying prices.

S & K Sales, Inc., also is alleged to furnish push cards to be used by retail dealers in the sale of tapestries, neckties, fountain pens and other merchandise sold and distributed by the respondent. (3767-3769)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Acme Dividend System—See Century Business Service.

American Merchandise Company, Inc.—An order has been issued prohibiting misleading concealment of the foreign origin of certain products sold by American Merchandise Co., Inc., and Harry Greenberg and Leo Josefsberg, all of 27 West 23rd St., New York.

The respondents were found to have removed the marks showing foreign origin from glove hands imported from Japan and from thumb tacks imported from Germany. To the glove hands the respondents added cuffs made in the United States. The thumb tacks were removed from the packages containing marks showing foreign origin and replaced in new packages containing no such marks, according to findings. (2960)

Canadian Chamois & Leather Company—Misleading uses of the word "chamois" to advertise leather interlinings for coats and similar garments will be discontinued by the Canadian Chamois & Leather Corp., 220 West 19th St., New York, under an order to cease and desist.

In the sale of interlinings the respondent will cease representing, through use of the word "Chamois" in its corporate name or in other ways, that it is a manufacturer of leather products made from chamois, unless the products are in fact made from the skin of the Alpine antelope or chamois, or the oil-dressed inner part of a sheepskin.

The respondent was directed to cease using the words "Chamois," "Cham-O-Line" or other words or phrases simulating the word "Chamois," as descriptive of leather products not made from the skin of the Alpine antelope or chamois, or the oil-dressed inner part of a sheepskin. (3691)

Century Business Service—Earl M. Loban, trading as Century Business Service, Acme Dividend System and Century Publishing Company, Inc., Waterloo, Iowa, has been ordered to cease and desist from the use of lottery schemes or gift enterprises to be used by dealers in promoting sales of their merchandise to ultimate consumers.

The respondent is forbidden to sell or distribute sales promotion cards or other devices so designed that their use by retail dealers constitutes operation of a game of chance, gift enterprise or lottery scheme, or to supply to dealers sales promotion cards or sales booster plans or schemes or to furnish display posters or circulars or other literature informing the public as to the manner in which the lottery devices may be distributed or used. (3731)

Century Publishing Company, Inc.—See Century Business Service.

Joseph Palazzolo, trading as J. Palazzolo, 436 East 14th St., New York, has been ordered to cease representing that a preparation advertised as "Otello Water" and "L'Acqua Otello" is other than a dye; that its use will restore natural color and vitality to hair, cure dandruff, cause new growth of hair, or prevent falling of hair. (3062)

STIPULATIONS

The Commission has entered into the following stipulations:

Brandes & Lipschitz, Inc.—See Cooperative Indian Rivers Growers, Inc.

Branford Press, 4 Branford Place, Newark, N. J., engaged in selling stationery, wedding invitations, engagement announcements, and the like, has entered into a stipulation to cease certain misleading representations.

The respondent agreed to discontinue use in its advertising or printed matter or in any other way of the word "engraved" or any other words of similar meaning as descriptive of its products to imply or convey the belief to purchasers that the products are the result of impressions made from inked engraved plates, generally known to the purchasing public as "engraving" or "embossing," when this is not a fact. (2444)

Cooperative Indian River Growers, Inc., Fort Pierce, Fla., and Brandes and Lipschitz, Inc., 3494 Jerome Ave., Bronx, New York City, have entered into stipulations to discontinue misleading representations in the sale and distribution of citrus fruits.

The Florida corporation, engaged in the packing, sale and distribution of their products, and the New York corporation, operating retail fruit stands in New York City and also importing into New York citrus fruits produced in Florida, agreed to desist from use of the term "Indian River" or other similar representations on brands or labels as descriptive of citrus fruits not produced or grown in the Indian River region of Florida. (2448-2449)

Cuban Cosmetic Company—Trading as Cuban Cosmetic Company, Alexander C. Brent, Jr., Chicago, in the sale of "Four-in-One Cuban Combination Hair Treatment," will desist from use of representations in advertising matter implying that his product, when locally applied to the scalp, will cause hair to grow or stop or correct falling hair or dandruff, or will stop eczema, tetter, ringworm, or any other fungus infection, when there is no proper basis for these representations. (2447)

Francaise Perfumerie et Cie—Trading as Francais Perfumerie et Cie, Benjamin J. Rosenthal, Baltimore, agrees to discontinue use of the words "Francaise Perfumerie et Cie" as a trade name under which to sell his preparations, or the words "Francaise" or "French," implying that the preparations he sells are of French origin, when this is not true. The respondent also stipulates that he will cease using in advertising matter the words "Imported Perfumes" as descriptive of perfumes not imported as finished products into the United States; the phrase "reproductions of fine imported perfumes" as descriptive of perfumes that were not such reproductions, and the words "Paris" or "London," implying that he has places of business in those cities, when such are not the facts. (2441)

Fresh'nd Aire Company—Misleading representations in the sale of electrically driven fans and air treating apparatus will be discontinued by Robert W. Devore, trading as Fresh'nd Aire Company, 2626 Washington Blvd., Chicago, under a stipulation.

Advertising matter referred to the "Fresh'nd Aire" fan as "The Simple Way to Air Conditioning," and represented that it "Cools—Revitalizes—Circulates."

The respondent agreed to cease use of the term "air conditioning" or words of similar import as descriptive of his product known as the "Fresh'nd Aire" fan.

In the stipulation it is recited that operation of the respondent's fan assemblies will not produce certain results so as to be properly represented as producing "air conditioning," as that term is generally understood. They will not humidify or dehumidify room air, mechanically cool or heat such air to specified temperatures, mechanically deliver and circulate fresh air, or remove or filter dirt from the air. (2450)

Field's Diamond Company—Misleading representations in the sale of jewelry will be discontinued by Myer D. Field, trading as Field's Diamond Company, 510 South Hill St., Los Angeles, under a stipulation entered.

Field agreed to stop using the word "Diamond" alone or with other words to describe imitation diamonds, unless the term is modified by the word "imitation" or a true synonym of imitation printed conspiciously in connection with the word "Diamond." He further agreed to stop using the word "Diamond" as part of his trade name until such time as he actually deals in genuine diamonds.

Field stipulated that he will cease representing, by use of foreign names or otherwise, that any product sold by him originated in or was imported from a foreign country, when this is not a fact. (02371)

Fred E. Foos Candy Company, Inc.—Use of lottery methods in the sale of candy assortments to the ultimate consumer will be discontinued by Fred E. Foos Candy Company, Inc., 1505 West Baltimore St., Baltimore, under a stipulation.

The respondent company agrees to cease selling and distributing directly to retail dealers or to jobbers or wholesale dealers for resale to the retail trade, candy assortments so packed and assembled that sales to the consuming public may be made by means of a lottery. (2451)

General Foods Corporation, 250 Park Ave., New York, has entered into a stipulation to discontinue misleading representations in the sale of a table salt.

Under the stipulation, Diamond Crystal Salt will no longer be represented as the only salt that brings out flavors in food, and the respondent will cease advertising that all other salts have a bitter taste or that the use of its product eliminates the danger of over-salting, or insures best results.

The respondent agrees to stop representing that Diamond Crystal Salt will in all cases prevent clogging or caking in saltcellars, and that it assures the production of better butter or the production of butter with less work, or, that when used to preserve meat it insures that every particle will be permeated and preserved firm with good color and no spoilage. (023070)

Gordshell Chemical Co., 5 Hopkins Place, Baltimore, selling a medicinal preparation designated Dr. Gordshell's Salve, has entered into a stipulation to discontinue misleading representations in the advertisement and sale of its product.

The respondent will cease representing that its salve is a competent or complete remedy for burns, cuts, skin irritations, piles, ivy or oak poisoning, insect bites, chilblains, acne or eruptions of the skin, or that the salve is of any substantial value in the treatment of the bite of a black widow spider, athlete's foot, pimples, blackheads, carbuncles, soft corns, ringworm or abscess; that it will remove splinters or of itself heal the skin or prevent scars following carbuncles, burns or any other condition. (02365)

Grund Art & Novelty Co., Inc., 421 East Walnut St., Des Moines, Iowa, have entered into a stipulation to discontinue misleading representations in the sale of novelties and push cards in commerce.

Under the stipulation, the respondent will cease representing that any article is given "Free" or without cost, when receipt thereof is contingent upon any consideration, terms or payments or the rendering of services not clearly disclosed in direct connection with the making of the offer.

Use of the term "Genuine Pig Grained" as descriptive of products not composed of pig skin will be discontinued, and the respondent will cease quoting a fictitious price as the alleged value of an article when it is in excess of the customary price. (2454)

Health & Strength Club—A San Francisco dealer in food concentrates has entered into a stipulation to discontinue misleading representations in the sale of his products.

The respondent, Walter C. LaBerge, trading as Health and Strength Club, 277 Seventh Ave., San Francisco, agrees to cease representing or implying that mineral salts and vitamins are usually lacking in a majority of diets, or that his "Body Building Food" will supply the deficiency; that his "Laxative Food" is competent as a treatment for constipation; that his "Glandular Food" increases vigor, and that "Formula 116" is a competent treatment for eczema and contains "Vitamin F." (02364)

Jackman & Company, Inc.—Electrocution of mosquitoes and other insects is the advertised function of "The Death Ray Lantern," manufactured by Jackman & Co., Inc., 420 Twelfth St., Brooklyn, which has entered into a stipulation to discontinue misleading representations in the sale of this product.

Among the claims made for the device were: "The Death Ray Lantern is fitted with a shade . . . attracting mosquitoes, gnats and many other insects which fly to it and are electrocuted. It has been definitely tested and proven in this country and abroad."

The respondent company agreed to cease making direct or implied representations that the light furnished by the lantern will attract mosquitoes and other flying insects in sufficient numbers to make the device valuable in controlling them, and that such insects, attracted by the light, will all be electrocuted upon contact with the electrically charged wires surrounding the lantern. (2452)

Perkins Glue Company, Lansdale, Pa., has entered into a stipulation to discontinue use in its advertising matter or otherwise of the word "Waterproof" as descriptive of its casein glue, or use of this word in any way to imply that its products are impervious to water or its effects, when such is not a fact. (2453)

Potter Drug and Chemical Corporation, Malden, Mass., under a supplemental stipulation entered will discontinue false and misleading advertising of "Cuticura Soap" and "Cuticura Ointment."

The company agreed to stop representing that the soap and ointment, when used separately or in conjunction, will help promote lustrous hair growth quickly; and aid in normalizing oily skin, correcting dry skin, refining skin texture, and in imparting new firmness to the skin. The respondent also will cease representing that use of these products will remove or aid in clearing blemishes, unless this representation is limited to blemishes from external causes. (0892)

Star Correspondence Club—Operating a matrimonial bureau called Star Correspondence Club at Palestine, Tex., Lois L. Reeder, under a stipulation entered into will discontinue advertisements of the financial standing, character and social position of her clients that are not based on the known facts in each case.

She agreed also to cease representing that her enterprise is not a general advertising concern or a matrimonial agency; that it is different from other agencies of its class and that she is not in the business for money only but to help single, lonesome people.

In her stipulation, the respondent admitted that membership in the Star Correspondence Club could not always be relied upon to achieve the results claimed; that her enterprise is an advertising and a matrimonial agency not essentially different from other such agencies, and that she engages in the work for a profit.

Under the stipulation, the respondent also agreed to cease advertising that her enterprise is of service generally to persons who are lonesome or want wives, husbands or sweethearts. (02366)

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 18, May 5, 1939

Legal

LIQUOR ADS

The favorable report on the Johnson bill (S. 517) ordered by the Senate Interstate Commerce Committee (NAB Reports April 21, p. 3432) was rendered April 20, and the bill now is on the Senate calendar. If enacted into law, it will ban all beer and liquor advertising from the air. Senator Chan Gurney (D.-S. D.), former operator of WNAX and a member of the Interstate Commerce Committee, filed a minority report which strenuously attacks the Johnson bill as an unwarranted discrimination against radio and as a precedent into the field of censorship.

The vote in the Committee is understood to have been 6 to 5. The majority report deals to a substantial extent with statements made by Mr. W. S. Alexander, Federal Alcohol Administrator, and by Chairman McNinch of the Communications Commission. Senator Gurney in his minority report pointed out that the proponents of the Johnson bill "rest their case for discrimination against radio on the sole ground that little children sometimes hear announcements advertising beer." He says that "it is now urged that radio should be deprived of revenues from the advertising of legal beer merely because a group of professional reformers seem to think—unsupported by specific evidence—that the American parent could not prevent a child from swapping the milk bottle for the beer bottle simply because a radio announcer insists that it's good beer."

Senator Gurney then takes up the question of censorship and states that "Congress has recognized that the listener is the only censor." He strenuously urges that the Capper bill (S. 575), which prohibits all interstate advertising of alcoholic beverages should be considered by the Committee on Interstate Commerce before any action is taken on the Johnson bill. The Capper bill would prohibit any form of advertising which moves in interstate commerce and would apply to magazines, newspapers, direct mail campaigns.

Should the Johnson bill be enacted into law, it would constitute a precedent in censorship which other minority groups might seek to follow to the extent of impressing upon broadcasting arbitrary program standards for radio listeners.

NEW LEGISLATION

CONGRESS

S. 2251 (Mr. Chavez, N. Mex.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency station to broadcast programs to all nations in Western Hemisphere; to appropriate $3,000,000 for construction purposes and $100,000 for operative expense during year ending June 30, 1940. To Committee on Foreign Relations.

STATE LEGISLATION

Florida:

H. 81 (Martin, et al) Same as S. 18. EMPLOYMENT AGENCIES—Regulating private employment agencies. Referred to Labor Committee.

H. 735 (Tomasello) AUTOMOBILE LICENSE—Providing for issuance of one license plate to amateur radio operators for each amateur station, for one automobile. Referred to Motor Vehicles and Carriers Committee.

H. 741 (Harrell, et al) RACING NEWS—TRANSMISSION—Regulating the transmission of racing news by radio, telephone, telegraph or other means. Referred to Judiciary A Committee.

H. 806 (West) SEAT TAX—Providing for a seat tax in buildings used for public assembly where admission is charged; also providing certain exceptions. Referred to Finance and Taxation Committee.

H. 815 (Warren) JUVENILE ENTERTAINERS—Amending Chapter 5950 of the General Laws of 1927 excepting talented juvenile performers or entertainers between sixteen and twenty from provisions of Chapter 5950 of the aforementioned act. Referred to Judiciary B Committee.

S. 18 (Whitaker) Same as H. 81. EMPLOYMENT AGENCIES—Regulating private employment agencies. Referred to Labor and Industry Committee.

New York:

S. 2118 (Mahoney) OPTOMETRY—Provides for revocation of a license of an optometrist who knowingly continues in association with or in employ of any person violating provisions relating to practice of optometry; also prohibits any reference by printed, radio or other means of advertising, price for, discount on, or terms of payment for eyeglasses, spectacles and lenses. Referred to Judiciary Committee.

Pennsylvania:

H. 1358 (Tronzo) FOOD, DRUG, COSMETIC REGULATION—Regulating the manufacture, sale, transportation, possession, advertisement and labeling of foods, drugs and cosmetics; creating Department of Food, Drug and Cosmetic Control; designating head of such department and prescribing his powers, duties and compensation; imposing penalties. Referred to State Government Committee.

S. 731 (Wolfenden) SUNDAY MOVIES—Repealing the Sunday Motion Pictures Law of July 2, 1935. Referred to Law and Order Committee.

(Continued on page 3458)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

STATE LEGISLATION

(Continued from page 3457)

RHODE ISLAND:

H. 798 (Messrs. Dove & Manning) PRACTICE OF DENTISTRY—Amending Sections 3, 4, 7, 8, 11, 17 and repealing Section 18 of Chapter 169 of the general laws, entitled "Of the regulation of the practice of dentistry," as amended. Referred to Judiciary Committee. Passed as amended 4-6-39.

FREE OFFERS

The NAB has advised the Hat Style News Bureau, New York, that use of its "Hat Style Forum Bulletin No. 1" would constitute violation of the NAB Code of Ethics by giving free time for commercial purposes.

Similar notice was sent to the Sacramento Golden Empire Centennial, Inc., Sacramento, California, which sent out spot announcements to advertise the celebration. Evidently the Centennial people thought that the gilded "press pass" which they sent out along with the spot announcements constituted adequate compensation for the advertisements.

OFFICE OF EDUCATION QUESTIONNAIRE

Dr. John W. Studebaker, United States Commissioner of Education and Chairman of the Federal Radio Education Committee has sent a questionnaire to all radio stations in an effort to determine the mechanics set up by stations for cooperation with educational and non-profit groups in their broadcasting activity. This is a first approach to one of the Federal Radio Education Committee's projects to be financed from the $83,000 fund being raised from the broadcasting industry.

NAB solicits your cooperation in completing the questionnaire the Office of Education is sending out. We also solicit your cooperation in the matter of subscribing to the FREC fund if you have not already done so.

TENTH INSTITUTE FOR EDUCATION BY RADIO

The Institute for Education by Radio held its tenth annual meeting at Ohio State University, Columbus, Ohio, May 1, 2, and 3. More than 300 attended the opening session and the total registration was high. Representatives of the radio industry and the many organizations interested in the educational potentialities of radio were in attendance.

The Institute for Education by Radio was established in 1930 at Ohio State University. Its purpose is to provide an annual meeting for joint discussion by broadcasters and educators of the problems of educational broadcasting.

The subjects of various meetings disclose the broad interest of the educators in the various aspects of radio in education. The meeting list was as follows:

MONDAY, MAY 1

First General Session—Morning

William McPherson, Acting President, Ohio State University
"Word of Welcome"
Demonstration—University of Chicago Round Table broadcasts
Discussion from the floor

Work-Study Groups—Afternoon

Agricultural Broadcasts
School Broadcasts
Radio Courses in Colleges and Universities
Research in Radio Education
The Educational Uses of Facsimile, Ultra-High Frequency Stations and Recording
Broadcasts for General Education
Broadcasting by Community Service Organizations

Sections on Special Problems—Evening

National Association of Educational Broadcasters (Closed Meeting)
National Association of Broadcasters
National Association of Teachers of Speech (Closed Meeting)
Utilization of School Broadcasts
Adult Education by Radio
Music Programs

TUESDAY, MAY 2

Second General Session—Morning

Demonstration of Utilization of a Classroom Broadcast
Evaluation of the Demonstration

Work-Study Groups—Afternoon

Continuation of the Monday afternoon subjects

Dinner

John W. Bricker, Governor of Ohio
"Radio and Your Government" (broadcast over NBC Red Network)

Round-Table Discussions—Evening

Dramatic Programs
Forum Programs
Handling Controversial Issues

Public Relations Broadcasts
The Radio Workshop
Training School Directors of Radio
The Princeton Study—Federal Radio Education Committee Project
The Wisconsin Study—Federal Radio Education Committee Project
Evaluation of School Broadcasts—Federal Radio Education Committee Project

WEDNESDAY, MAY 3

Third General Session—Morning

Effect of Radio on Listener Attitudes
Professional Training in Great Britain
How School Broadcasting Units Study Their Listeners
General Discussion

Fourth General Session—Afternoon

Announcement, Demonstration and Discussion of Awards for Third American Exhibition of Recordings of Educational Radio Programs.

The Monday evening session of the National Association of Broadcasters was presided over by Edward M. Kirby, Director of Public Relations of the NAB, in the absence of Neville Miller. This session was run as a panel discussion with Larry Roller of WHK and WCLE, Cleveland; Jack Harris, WSM, Nashville; Curtis Mitchell, Editor of Radio Guide; and Paul Peter, Director of Research, NAB. This meeting was well attended and considerable interest was manifested in the subject of the Reorganized NAB and Program Standards now under discussion in the broadcasting industry looking to the adoption of a new NAB code. Principal interest and discussion centered around children's programs and cooperation between broadcasters and educators.

Individual reports on Work-Study Groups will be available in mimeograph form on May 15th. The price of each report will be 15¢ postpaid or 75¢ for a complete set. These may be obtained by addressing I. Keith Tyler, Secretary, Institute of Education by Radio, Ohio State University. Titles of the seven reports involved are as follows:

Agricultural Broadcasts
School Broadcasts
Radio Courses in Colleges and Universities
Research in Radio Education
Educational Uses of Facsimile, Ultra-High Frequency Stations and Recording
Broadcasts for General Education
Broadcasting by Community Service Organizations

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DISTRICT 7 MEETS

J. H. Ryan, Vice President of WSPD, Toledo, Ohio, was unanimously elected Director of District 7 to succeed Mark Ethridge, at a meeting held May 4 in Cincinnati. Before the nomination, Mr. Ethridge said that he would be unable to accept reelection. A resolution thanking him for his outstanding service to the District and to NAB was adopted.

President Neville Miller, Ed Kirby and Joseph Miller, of Headquarters Staff, attended the meeting.

The principle problems before the industry today were discussed.

DISTRICT MEETINGS

A meeting of the Fifteenth District of NAB has been called for Wednesday, May 17, at the Palace Hotel, San Francisco. Ralph Brunton, Director, will preside.

Harry Wilder, Director of District Two, has called a meeting on May 19, in Schenectady, New York.

WEBSTER TO POLAND

The FCC has designated Commander E. M. Webster, assistant Chief Engineer of the Commission, as its representative at the meeting of the Subcommittee of the Third World Conference of Radiotelegraph Experts for Aeronautics. The Conference will be held at Cracow, Poland, May 19 to May 22, 1939.

The Cracow Conference will lay the groundwork for an allocation of frequencies for inter-continental air routes. Any future assignments of frequencies to commercial aviation companies operating under the jurisdiction of the United States, and licensed by the Federal Communications Commission must necessarily be based upon a comprehensive plan covering the allocation of frequencies to the aviation services generally.

UNLICENSED OPERATOR CONVICTED

The FCC announced this week that Andrew Gibbs Cochran, 17 years old, of Chicago, Illinois, has been convicted as a delinquent under the Juvenile Delinquency Act for operating an unlicensed radio station in violation of Sections 301 and 318 of the Communications Act of 1934, as amended. The conviction followed disregard of previous warnings by the Commission.

Probation authorities advised Judge Charles E. Woodward, United States Federal Court, that the defendant had filed application for admission into the Civilian Conservation Corps. The Court placed the defendant on probation pending his admission as a member thereof.

FCC REBROADCAST COMMITTEE

The FCC has designated Commissioners Case, Craven and Payne as a committee to preside at a hearing to determine whether the rules of the Commission should be modified to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations which are operated on a non-commercial, non-profit making basis. The Committee will set a date for the hearing in the near future.

The action of the Commission in calling a legislative hearing on this question is based on an earlier petition of Mayor LaGuardia to have the rules amended to permit such stations as WNYC, municipally owned radio-broadcast station in New York, to rebroadcast the programs of international broadcast stations in the United States. Commissioner Payne was made chairman of the committee.

McNINCH AWAY

Chairman Frank R. McNinch left Washington the latter part of last week on the advice of his physician for two or three weeks rest.

It is planned while Mr. McNinch is away to have the other Commissioners rotate as Acting Chairman. Commissioner Thad H. Brown will be Acting Chairman through May 5 and for the following week Commissioner Norman S. Case will be Acting Chairman. If Mr. McNinch is away longer, other members of the Commission will be designated.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Station WAAB, **Boston,** to increase its power from 500 watts night, 1000 watts day, unlimited time, to 1000 watts unlimited time, on **1410 kilocycles.**

The Commission stated that the station may operate as proposed without materially decreasing the service area of any existing station and the present program which is considered "meritorious" can be heard under the proposed increase by additional persons as well as providing a signal strength of 40 per cent greater within the present service area.

Chairman McNinch was absent and Commissioner Thompson did not participate in this decision.

The application of Peter J. Caldarone for authority to construct a new broadcast station at **Providence, Rhode Island,** to operate on **1270 kilocycles,** 250 watts, daytime only, was denied by the Commission.

The Commission found that there had not been shown sufficient public need for the additional service proposed and that "sound engineering principles do not warrant the proposed use of a regional frequency for local service."

Chairman McNinch was absent when this decision was made.

The Commission has granted the application for license renewal of WBBZ, **Ponca City, Oklahoma,** and the voluntary assignment of the license of that station to Adelaide Lillian Carrell, Executrix of the Estate of Charles Lewis Carrell. The station operates on **1200 kilocycles,** 250 watts day, 100 watts night, unlimited hours.

The Commission's action was taken on the Proposed Findings of Fact, in which the Commission found that the prevailing need for local broadcast service in the Ponca City area is being adequately supplied by the station. With respect to transfer of the license, the Commission found that the applicant is in all ways qualified to operate the station and the granting of the application is in the public interest.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 8. They are subject to change.

Tuesday, May 9

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 kc.,** 1 KW, unlimited time. Present assignment: **1370 kc.,** 100 watts, unlimited time.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **580 kc.,** 1 KW, unlimited time (S.A. for transmission of facsimile signals 12 midnight to 6 a. m., using 1 KW, exp.).

Wednesday, May 10

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1380 kc.,** 500 watts, unlimited time.

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

Hearing Reopened

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.,** 1 KW, unlimited time. Present assignment: **1390 kc.,** 1 KW, unlimited time.

Thursday, May 11

Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., **620 kc.,** 1 KW, unlimited time (DA night).

NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., **1500 kc.,** 100 watts, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.,** 1 KW, unlimited time (DA night). Present assignment: **620 kc.,** 250 watts, daytime.

Examiner's Report No. I-727:

WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Transfer of control of corporation; **1200 kc.,** 100 watts, shares WJBC.

Friday, May 12

KROY—Royal Miller, Sacramento, Calif.—Modification of license, **1210 kc.,** 100 watts, unlimited time. Present assignment: **1210 kc.,** 100 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

May 17

NEW—Nathan Frank, New Bern, N. C.—C. P., **1500 kc.,** 100 watts, unlimited time.

May 29

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., **990 kc.,** 1 KW, daytime.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.,** 500 watts, Emission A-3, unlimited time, according to Rule 983.

June 12

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.,** 100 watts, unlimited time. Present assignment: **1370 kc.,** 100 watts, daytime.

June 16

KRKO—Lee E. Mudgett, Everett, Wash.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Renewal of license, **1370 kc.,** 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to The Everett Broadcasting Co., Inc. (Assignee); **1370 kc.,** 50 watts, shares KEEN.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

July 31

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.,** 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.,** 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.,** 50 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted renewal of license for the period ending November 1, 1939.

KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Granted voluntary assignment of license for KVGB from Ernest Edward Ruehlen to Helen Townsley. Station operates on **1370 kc.,** 100 watts, unlimited time.

WBBC—Peter Testan, Executor, Brooklyn, N. Y.—Granted authority to transfer control of Brooklyn Broadcasting Corporation (WBBC), from Peter Testan, Executor under the will of Peter Testan, deceased, to the beneficiaries under the will, who are Peter Testan and Millie Testan.

WBBC—Peter J. Testan, deceased, (Peter Testan, Executor), Brooklyn, N. Y.—Granted transfer of control of Brooklyn Broadcasting Corp., from Peter J. Testan, deceased to Peter Testan, Executor.

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted modification of C. P. to increase power and time of operation from 250 watts daytime, to 100 watts night, 250 watts day, unlimited time, and extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P. for new station to operate on frequency **1410 kc.,** with power of 500 watts night, 1 KW day, unlimited time. Exact transmitter and studio site and type of antenna to be determined with Commission's approval. (Applicant requests facilities of WAAB.)

NEW—Roy E. Martin, Opelika, Ala.—C. P. for new station to operate on frequency **1310 kc.,** with power of 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WNEW—Wodaam Corporation, New York City.—Modification of license to increase night power from 1 to 5 KW. (To be heard before the Commission.) Application designated for hearing because request violates Rule 120; also pending applications involve increase in service and interference.

MISCELLANEOUS

WAVE—WAVE, Inc., Louisville, Ky.—Denied petition for reconsideration, rehearing or oral argument, and amendment to application for rehearing, in re the application of Kentucky Broadcasting Corp. for a new station in Louisville to operate on **1210 kc.,** with 100 watts night, 250 watts day, unlimited time, which was granted by the Commission on February 6, 1939.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Denied Petition for Reconsideration or Rehearing filed by Intervener, WGRC, in re application of Kentucky Broadcasting Corporation for a new station in Louisville, Ky.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Denied petition for relief requesting that KSD be authorized to operate unlimited hours on **630 kc.** instead of station KXOK, St. Louis, and that station KXOK be authorized to operate on the present assignment of KSD, which now operates on **550 kc.,** sharing with KFUO. (The Commission on March 6, 1939, designated for hearing applications of KFRU, Columbia, Mo., KXOK, St. Louis, Mo., and WGBF, Evansville, Ind., for an interchange of frequencies which would, if granted, permit KFRU to use a local channel, **1370 kc.,** full time, KXOK to use a regional channel, **630 kc.,** full time, and WGBF to use a regional channel, **1250 kc.,** full time.)

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Granted special temporary authority to rebroadcast program material received fom Relay Broadcast Station WOEG operated by General Electric Company located aboard new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, from 2:30 to 3 p. m., EST, on May 2.

WIBX—WIBX, Inc., Utica, N. Y.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Company located aboard new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, from 2:45 to 3:15 p. m., EDST, on May 3.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 9:30 p. m., CST, on May 9, 16, 23 and 30, in order to broadcast Copper Country Jamboree and Barn Dance.

W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test the relay broadcast equipment of station W1XOK, authorized by C. P. granted January 24, on the frequency **132260 kc.,** in lieu of authorized frequencies, power 250 watts, for a period not to exceed

30 days, pending definite arrangements to be made in the ultra high frequency bands.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast stations experimentally on frequency **31220 kc.**, pending definte arrangements to be made to eliminate interference with Cleveland's police radio service, for the period May 10 to June 8.

The Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate relay broadcast (exp.) station W9XSM on the frequencies **1606, 2022, 2102** and **2758 kc.**, with 10 watts, in lieu of the normally licensed frequencies, on April 28 and 29.

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Denied special temporary authority to operate from midnight, LST, to conclusion of Hitler's reply address on April 28.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Denied special temporary authority to operate between the hours of 5 and 6 a. m., CST, on April 28, in order to broadcast Hitler's speech.

WESG—Cornell University, Ithaca, N. Y.—Denied special temporary authority to commence operation at 5:45 a. m., EST, on April 28, in order to broadcast Hitler's speech.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—The Commission upon its own motion, continued the hearing now scheduled for May 1, on the application for renewal of license of WMAQ to July 31, 1939, to be heard in the same proceeding with the application of WHA which requests the facilities of WMAQ.

State of Oregon.—Granted petition to intervene in the hearing on the application of KOY, Salt River Valley Broadcasting Co., Phoenix, Ariz., to change frequency from **1390 kc.** to **550 kc.**, 1 KW, unlimited time.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion for order to take depositions in re application for renewal of license for WBNX.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition for continuance of hearing now scheduled for May 12, for a period of 30 days, Docket Section to set new date. Application is for modification of C. P. to increase time from daytime to unlimited, on **1370 kc.**, 100 watts.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted motion for order to take depositions in re application of WJMS, Inc., for a new station at Ashland, Wis., to operate on **1370 kc.**, 100 watts, unlimited time.

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition to intervene in the hearing on the application of KERN for C. P. to change from **1370 kc.**, 100 watts, unlimited, to **1380 kc.**, 1 KW, unlimited.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted motion to dismiss without prejudice application for C. P. to operate on **1140 kc.**, 250 watts, daytime.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition of intervener for order to take depositions in re application of WREN to move transmitter and studio and install DA for day and night use, on **1220 kc.**, 1 KW night, 5 KW LS, sharing KFKU.

WREN—WREN Broadcasting Co., Inc., Lawrence, Kans.—Denied request for subpoenas of witnesses in re application listed above.

WSPR—Conn. Valley Broadcasting Co., Springfield, Mass.—Granted motion to dismiss without prejudice application for modification of license to change power from 500 watts limited time to 250 watts night, 500 watts day, unlimited.

NEW—Harry Jackson, Harrisburg, Pa.—Granted petition for continuance of hearing now scheduled for May 5 until May 31, in re application for C. P. for new general experimental station.

Pulitzer Publishing Co., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of KXOX to change frequency and increase power; KFRU to change frequency and power, and WGBF to change frequency and power.

WJHP—The Metropolis Company, Jacksonville, Fla.—Denied motion requesting applicant to furnish detailed information, requesting breakdown of profit and loss statements, in connection with Exhibits 18 and 19 to petitioner in re application of WMBR to change frequency and power.

W3XL-W3XAL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban stations CMX and COCX for the period May 3 to June 1.

KROY—Royal Miller, Sacramento, Cal.—Granted special temporary authority to rebroadcast Naval Observatory time signals over station KROY from NAA/NSS at Washington, D. C., for the period May 1 to May 31.

KBJS—Peck & Rice Airways, Bethel, Alaska.—Granted extension of special temporarv authority to operate aero. station KBJS, using frequencies **2922, 5652.5, 6590***, 10 watts (*not to be used between hours of 6 p. m. and 6 a. m., PST), for a period of 2 months beginning May 10 and ending July 10, 1939.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted modification of C. P. extending completion date from May 1 to July 1, 1939.

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Granted license to cover C. P. as modified for new international broadcast station upon an experimental basis only conditionally; frequencies **11730** and **15130 kc.**, 20 KW, unlimited time, according to Rule 983.

WNYC—City of New York Municipal Broadbasting System, New York City.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator at present transmitter site for emergency purposes only.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WEOG operated by General Electric Company located aboard new streamline train of Union Pacific enroute to New York from Los Angeles, for 15 minutes at 11 a. m. and 2 p. m., on May 1.

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with WJBO from 4 to 6:45 p. m., CST, on May 1, 10, 15 and 16, in order to broadcast intercollegiate baseball games.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to conduct transmission tests on a frequency of **1622 kc.**, with power not to exceed 25 watts, in the vicinity of St. Paul, in order to test transmission from the site specified in application for relocation of KSTP transmitter, for a period not to exceed two weeks following date of authorization.

WSUI—State University of Iowa, Iowa City, Ia.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator. Towers to be marked in accordance with engineering specifications.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to rebroadcast program material received from relay station WOEG operated by General Electric Company located aboard the new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, from 1:45 to 2:15 p. m., EST, on May 2.

KGA—Louis Wasmer, Spokane, Wash.—Granted special temporary authority, for a period of 20 days, to operate a 100-watt transmitter on KGA's frequency **1470 kc.**, in the vicinity of Spokane, from 1 to 6 a. m., PST, in order to conduct site survey; tests not permitted during Commission's monitoring schedule.

WFBI—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Company located aboard the Union Pacific train enroute Los Angeles to New York World's Fair, from 12 noon to 2 p. m., EST, on May 3.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Company located aboard Union Pacific train, on May 11.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army Airplane No. 36-431, call letters VR2 and No. 37-16, call letters SF7, in connection with blackout exercises on May 18.

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Company located aboard Union Pacific train, from 5:15 p. m. to 5:45 p. m., EST, on May 4, 1939.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Me.—Granted special temporary authority to operate from 11 a. m. to 1 p. m. and 4 to 7 p. m., DST, daily, instead of EST, for the period May 7 to June 30.

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with WJBO from 10 to 11 p. m., CST, on May 6, in order to broadcast Barn Dance of Agricultural Engineering Society.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (May, 7:15 p. m., CST) to 11:05 p. m., on various dates during the month of May, in order to broadcast Rotary programs, baseball games, church services and other special programs, using 100 watts power.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Denied special temporary authority to operate simultaneously with KFRU with reduced power of 250 watts, from 8 to 9 p. m., CST, on May 3, 10, 17, 24 and 31, in order to broadcast popular network programs.

KFRU—KFRU, Inc., Columbia, Mo.—Denied special temporary authority to operate simultaneously with WGBF with reduced power of 250 watts, from 8 to 9 p. m., CST, on May 3, 10, 17, 24 and 31, in order to permit station WGBF to broadcast popular network programs.

APPLICATIONS FILED AT FCC

850 Kilocycles

WWL—Loyola University, New Orleans, La.—License to cover construction permit B3-P-228, as modified for increase in power, new equipment, installation of directional antenna, and move of transmitter.

WWL—Loyola University, New Orleans, La.—Modification of special experimental authorization to operate unlimited time, using 50 KW power, for period ending August 1, 1939.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1140 kc.** to **1070 kc.**; increase power from 5 KW to 50 KW, hours of operation from simultaneous day, share with KVOO night, to unlimited time; move transmitter from on Sandusky Mt., near Pratt City, Birmingham, Ala., to site to be determined. Amended to give transmitter site as 1 mile southwest of Mt. Pinson, Ala.

WSPR—Quincy A. Brackett, Lewis B. Breen, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Company, Springfield, Mass.—Modification of license to change frequency from **1140 kc.** to **1240 kc.**, and change power and hours of operation from 500 watts, limited time, to 250 watts; 500 watts day, unlimited time.

1200 Kilocycles

WCAX—Vermont Broadcasting Corp., Burlington, Vermont.—Modification of license to change name to Burlington Daily News, Inc.

KVOS—KVOS, Inc., Bellingham, Wash.—License to cover construction permit B5-P-2123, as modified, for equipment changes, new antenna and move of transmitter.

1310 Kilocycles

WMBO—WMBO, Incorporated, Auburn, N. Y.—Modification of license to increase (night) power from 100 watts; 250 watts day, to 250 watts day and night.

1390 Kilocycles

WHK—Radio Air Service Corporation, Cleveland, Ohio.—Modification of license to increase (day) power from 1 KW; 2½ KW day to 1 KW night, 5 KW day.

1500 Kilocycles

KOTH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Modification of construction permit B-P-1970 for a new station requesting approval of antenna and studio and transmitter site at Lihue, Hawaii.

MISCELLANEOUS

W2XDG—National Broadcasting Company, Inc., Bound Brook, N. J.—Modification of license to change frequency from **31600, 35600, 38600, 41000 kc.** to **42100 kc.**, to comply with new rules adopted 4-17-39.

W2XHG—National Broadcasting Company, Inc., New York, N. Y. Modification of license to change frequency from **31600, 35600, 38600, 41000 kc.** to **42260 kc.**, to comply with new rules adopted 4-17-39.

WNYN—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York City).—License to cover construction permit B1-PRY-161 for a new portable-mobile relay broadcast station.

WNYO—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York City).—License to cover construction permit B1-PRY-162 for a new portable-mobile relay broadcast station.

W9XBS—National Broadcasting Company, Inc., Chicago, Ill.—Modification of license to change frequencies from **31600, 35600, 38600, 41000 kc.** to **42180 kc.**, to comply with new rules adopted 4-17-39.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

H. P. Clearwater—Misleading representations in violation of the Federal Trade Commission Act are alleged in a complaint issued against H. P. Clearwater, 145 Water St., Hallowell, Maine, distributor of "Rheumatic Arthritis Treatment."

Clearwater is alleged to have represented that his product is an adequate treatment for and will cure arthritis, rheumatism, sciatica and lumbago, and in all cases relieve the pain. The complaint alleges that it is not such a treatment or cure, and that its effect is limited to that of a laxative and tonic and to relief from pain equivalent to that afforded by aspirin. (3777)

Dress Returns Control Bureau, Inc.—See Popular Priced Dress Mfg. Group, Inc.

G-H-R Electric Dilator Company—John B. Roche, trading as The G-H-R Electric Dilator Company and The Roche Electric Machine Company, 215 North Division Ave., Grand Rapids, Mich., distributors of devices for the treatment of prostate disorders, kidney weaknesses and other ailments, is charged with misrepresentation in a complaint.

In advertisements in newspapers and periodicals the respondent is charged with representing that "The new and improved G-H-R Electric Thermitis Dilator is the one true method for the treatment of bladder or kidney weakness, loss of vitality, prostate gland trouble," and "You can feel and look young at 80 by simply taking the proper treatment."

The complaint charges that the Dilator has no value in the treatment of prostatic disorders, and its use will not cure such disorders. The complaint also alleges that the Roche Electric Hygienic Machine is not effective in the treatment of any weakness of any vital organ, and that use of the Dilator will have no effect on conditions due to age, and will not make the user feel and look young at 80. (3772)

Marhar Sales Company—Alleging the use of lottery methods in the sale of blankets, bedspreads and other merchandise to churches, fraternal organizations and clubs, for resale to ultimate consumers, a complaint has been issued against Meyer R. Eisenbrock, trading as Marhar Sales Company, 1322 West Girard Ave., Philadelphia.

The respondent is alleged to have distributed the following "club plan": Each club has a fixed number of members ranging from 30 to 125. A club member pays a fixed amount each week, usually 25 cents, for a period not to exceed a given number of weeks, usually 22 weeks. At the end of the first week a drawing is held and the member whose name or number is drawn receives an article of merchandise for payment of one week's dues, and is then dropped from the club roll. Each succeeding week the same procedure is followed, so that one member receives an article by paying one week's dues, another for two weeks' dues, and so on to the end of the fixed period. Then all remaining members receive one article of merchandise, but they have paid the face value thereof. (3773)

Nash Brothers Drug Company—Alleging misrepresentations in the sale of a medicine advertised as a remedy for malaria and other diseases a complaint has been issued against a Jonesboro, Ark., drug firm.

Respondents in the case are William G. Nash, Sr., William G. Nash, Jr., and Florence Nash Cox, who were named both individually and as co-partners trading as Nash Brothers Drug Company and engaged in the sale of "Nash Chill and Liver Tonic," also designated "Nash's C & L Tonic."

In an advertisement quoted in the complaint readers were asked whether they were afflicted with any of a list of ailments including constipation, chills, occasional fever, fatigue, biliousness, indigestion, loss of weight, backaches and others. "If you have any of these symptoms no doubt you are suffering from the first—or maybe the more serious stages of malaria," it was advertised.

The complaint alleges that only two of the symptoms listed in the respondents' advertising, namely chills and occasional fevers, were symptoms of malaria and that the various other representations were misleading. (3775)

Piccadilly Hosiery Company—See Piccadilly Hosiery Mills.

Piccadilly Hosiery Mills—Trading as Piccadilly Hosiery Mills and Piccadilly Hosiery Company, Benjamin Gould, 1019 Arch St., Philadelphia, is charged in a complaint with violation of the Federal Trade Commission Act in the sale of hosiery.

Use of the word "Mills" in Gould's trade name and printed matter is alleged to serve as a representation that he manufactures the hosiery he sells, when in fact he owns or controls no factory for that purpose. (3774)

Popular Priced Dress Manufacturers Group, Inc., and Dress Returns Control Bureau, Inc., and their respective officers, directors and members, are charged in a complaint issued by the Federal Trade Commission with entering into a combination and conspiracy among themselves to suppress competition and to create a monopoly in the respondents in the distribution and sale of women's dresses in the lower price ranges. (3778)

Roche Electric Machine Company—See G-H-R Electric Dilator Company

STIPULATIONS

The Commission has entered into the following stipulations:

William H. Bohn Company—William H. Bohn, trading as William H. Bohn Company, Wilkes-Barre, Pa., has entered into a stipulation to discontinue misleading representations in the sale of a "Key Check Outfit," also an outfit for operating a clipping bureau, mail order plans, and "Rotex-Process Embossing Ink."

Bohn agrees to cease misrepresenting the earnings to be made from making key checks with the outfits he sells, and to discontinue advertising that he can furnish one with the means for operating a profitable clipping bureau; that his Rotex-Process Embossing Ink will enable one to "engrave" his personal handwriting, or that the respondent's mail order plan offers 300 ways of making money and is offered to the purchaser at a special introductory price, when these are not the facts. (02372)

Bonded Wineries, Inc., 2353 Euclid Ave., Cleveland, under a stipulation entered into will discontinue use of the words "Bonded Wineries" as the corporate or trade name under which it carries on its business.

The respondent company agreed to discontinue using the word "Bonded" or the word "Wineries" together or independently, or words or phrases of similar import as descriptive of its business, and to cease employing any representations the effect of which tends to convey the belief that it is a producer or fermenter of wines operating under Government supervision, when such is not a fact. (2455)

Continental Envelope Corporation—Engaged in the manufacture and sale of envelopes, Continental Envelope Corporation, 429 South Ashland Blvd., Chicago, has entered into a stipulation to discontinue misleading representations.

The respondent corporation agrees to desist from representing in its advertisements or otherwise that it produces over 1,000,000 envelopes a day or over 300,000,000 a year, or any other statements concerning its production which do not truthfully and accurately represent the actual output.

It will also cease representing in advertising matter or in any other way that purchasers of its products "save up to 30%," implying that the respondent's prices are up to 30 per cent less than prevailing prices or the prices charged or discounts allowed by competitors, when such is not a fact. (2459)

Etna Chain Company—Frank A. Duke, trading as Etna Chain Company, 116 Nassau St., New York, engaged in the assembly of rolled gold-plated neck chains, agrees to desist from misrepresentations in the sale of his product under a stipulation.

The respondent will discontinue marking or otherwise designating neck chains or other articles with the term "1/20-12 Kt.," either alone or in connection with the words "Gold Filled," or otherwise, when in fact the gold content of such mounting is other than 25/1000 gold or better; or use of the words "Gold Filled" as applied to any article having a coat of gold of less than 10 carat fineness and when the weight of such gold is less than 1/20 the weight of the entire article.

He will also cease designating himself as a "manufacturer of chains," when in fact he merely cuts up chains already manufactured by others and assembles them for the market, and will also discontinue representing or inferring that he operates a factory or plant in Providence, R. I., jewelry manufacturing center, when such are not the facts. (2457)

More Egg Company—Selling a poultry preparation called "More Egg Tonic," M. Sullivan, trading as More Egg Company, 333 North 15th St., Philadelphia, has entered into a stipulation to discontinue misleading representations. He will cease advertising that use of his product will enable one to "keep hens laying all winter" or double egg production, or that it "makes layers out of loafers." Sullivan agrees also to cease using the phrase "More Egg Tonic" as a trade name for his product. (02373)

Neverknot Company—Grover B. Higgins, trading as The Neverknot Company, 4525 Ravenswood Ave., Chicago, has entered into a stipulation to discontinue misleading representations in the sale of a cord set for electrical appliances designated "DeLuxe Neverknot Cord Set." Higgins agreed to stop advertising that one "just can't help" making money with his plan of selling the cord set, or that he guarantees one's success or a profit. (02374)

Ohls Poultry Yards & Hatchery—Misrepresentation in the sale of baby chicks will be discontinued by Harry E. Ohls and Charles Yeager, trading as Ohls Poultry Yards & Hatchery, Marion, Ohio, under a stipulation entered. The respondents operate hatcheries at Marion and Mt. Vernon, Ohio, and at Marshall, Mo.

Under their stipulation, they agree to cease employing the word "Giant" as descriptive of their White Leghorn baby chicks or the breed thereof, when in fact no breed of "Giant" White Leghorn chicks exist. They agree to cease using the word "Giant," either alone or in connection with other words implying that their chicks are of a special breed or strain of White Leghorn chicks, which, when raised by the ordinary purchaser, would be of giant or super-size. (2456)

Miss Saylor's Chocolates, Inc., 2420 Encinal Ave., Alameda, Calif., manufacturer of candies which it sells chiefly to cigar and drug store dealers will cease supplying persons with punch boards or other lottery devices to enable them to dispose of or sell merchandise to the ultimate consumer by use thereof. (2462)

Standard Distillers Products, Inc., 614 East Lombard St., Baltimore, will cease use on labels or brands of the word "Pikesville" to designate a whiskey not of the same quality as the "Pikesville" liquor made prior to prohibition by the former Winand Distilling Company, Pikesville, Md. The stipulation points out that the respondent obtained exclusive use of the trade mark "Pikesville" from its present owner, the Maryland-Pikesville Distillery, Inc. (which neither owns nor operates a distillery), but applied the name to an inexpensive inferior whiskey neither comparable in price and quality to the Pikesville whiskey formerly sold, nor distilled in Pikesville, Md. (2460)

Sterchi Brothers Stores, Inc., Knoxville, Tenn., in the retail sale of furniture, agreed to discontinue advertising articles as loaned or delivered "free" if receipt thereof by a customer is dependent on any consideration, payment, or rendition of services required but not clearly disclosed in connection with the representations. Prices will not be represented as reduced, special or extra when in fact they are the customary prices. (2458)

Wholesale Watch & Jewelry Company—Caroline R. Macher, trading as Wholesale Watch and Jewelry Company, and her husband, Robert J. Macher, 15 Maiden Lane, New York, will cease using the word "wholesale" as part of the trade name of their industrial jobbing business and in referring to quoted prices or in any manner implying that theirs is a wholesale business in which goods are sold to the trade for resale as distinguished from sale to the ultimate consumer. They will also desist from the representation that their business is in its fifty-sixth year or that they are "Successors to the Wholesale House of J. Macher, Direct Jobber for a Half Century." (2461)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Century Metalcraft Corporation—Disparagement of competitors and misrepresentation of the durability and value of kitchen utensils distributed by it brought a cease and desist order against Century Metalcraft Corporation, 1105 Lawrence Ave., Chicago. The respondent is the distributor of "Silver Seal" kitchen utensils, the advertising and sale of which is conducted principally by agents, representatives and employees through personal solicitation and contacts.

In the course of manual demonstrations by the agents, the Commission finds, representations are made that the utensils contain little or no aluminum, that the method of cooking is new and revolutionary, that competing granite and aluminum cooking utensils are dangerous to the health of consumers of food cooked in them, and that certain doctors and hospitals have recommended and endorsed the respondent's utensils.

Findings of the Commission are that food cooked in granite or aluminum utensils is not dangerous or deleterious to the health of consumers, and that the use of aluminum or granite utensils in no wise affects the purity or quality of food cooked in them. (3601)

Quality Bakers of America, a trade association composed of approximately 70 member wholesale baking concerns located in various sections of the United States, has been served with an order prohibiting violation of the brokerage section of the Robinson-Patman Act.

Other respondents include Quality Bakers of America, Inc., service and purchasing agency, the stock of which is owned by the association members, with offices at the association headquarters, 120 West 42nd St., New York; six baking companies named as being representative of the association membership, and the association officers and executive committee members.

Findings are that:

The baking companies, composing the membership of the association, Quality Bakers of America, through stock ownership controlled the service company, Quality Bakers of America, Inc., and used it as their purchasing agent in buying bakers' supplies, equipment and machinery.

On these purchases the service company received and accepted from more than 200 manufacturers and other sellers brokerage fees in connection with which neither the service company nor the member companies making the purchases rendered any services to the sellers.

The brokerage fees were turned over by the service company to the member companies in the form either of money and credits or benefits and services such as services relating to purchasing, production engineering, accounting, sales promotion, advertising, planning, publications and management assistance. This was accomplished under an agreement that the members pay dues to the service company and that the brokerage fees allowed by the sellers and collected by the service company be applied one-half to the credit of dues for the member on whose business a brokerage fee originated and one-half for services to all association members. Statistics based on 1936 purchases show that the service company collected $181,528 in brokerage fees that year of which $90,760 was credited to the respective accounts of member companies. (3218)

United States Rubber Company and one of its subsidiaries, U. S. Tire Dealers Corporation, both of New York, have been ordered to discontinue price discriminations and payment of special commissions in violation of the Robinson-Patman Act in the sale of automobile tires and tubes.

Findings are that United States Rubber Company, together with its subsidiaries, is one of the country's four largest tire manufacturers, with three principal distributing outlets: (1) automobile manufacturers, (2) certain wholesalers, mail order houses and retail store chains selling this company's tires under their own private brands or trademarks, and (3) thousands of wholesale and retail tire dealers and service stations throughout the United States. (3685)

U. S. Tire Dealers Corporation—See United States Rubber Company.

FTC CLOSES CASE

The Federal Trade Commission has closed its case against Temple Electric Corporation, 80 Cortlandt St., New York, and others, charged with unauthorized use of certain well known trade names in the sale of radio sets.

The unfair practices alleged in the complaint being covered in an order to cease and desist issued against Knight Electric Co., Inc., 16 Hudson St., New York, and others (Docket 2656) in May, 1937, in which the parties in the Temple Electric Corporation case were also respondents, the Commission closed the case against Temple Electric Corporation and others without prejudice to its right to resume prosecution should future acts so warrant.

FCC Assignments For May

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF May
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner George Henry Payne
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Frederick I. Thompson
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Thad H. Brown
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Paul A. Walker
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Norman S. Case
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner T. A. M. Craven
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 19, May 12, 1939

Radio Is Free As Press Says President In Recorded Interview

Declaring that "radio is as free as the press" and praising it for the part it has played in the diffusion of knowledge and culture, President Roosevelt this week inaugurated a series of recordings in which he and members of his cabinet are interviewed, to be made by Lowell Mellett, executive director of the National Emergency Council.

The transcribed interviews will be offered radio stations throughout the country for broadcasting. In the opening statement of the presidential interview Mr. Mellett stated that it was the purpose of the NEC, through the cooperation of broadcasting stations, to represent reports by members of the cabinet regarding the work of their departments.

Below is published a transcript of the interview, which NEC furnished at the request of Headquarters:

THE PRESIDENT OF THE UNITED STATES

LOWELL MELLETT, EXECUTIVE DIRECTOR, THE NATIONAL EMERGENCY COUNCIL

Open: MUSIC—("STARS AND STRIPES FOREVER") (15 Seconds—Fade For:)

Announcer: UNITED STATES GOVERNMENT REPORTS

Music: (MUSIC UP—15 SECONDS—GRADUAL FADE OUT:)

Announcer: (OPENING ANNOUNCEMENT) 1 MINUTE

Mellett: Mr. President, it is the purpose of the National Emergency Council, through the generous cooperation of broadcasting stations in all the States, to present reports by the members of your cabinet regarding the work of their respective departments. The first of these reports will be made by Secretary Hull next week when he will discuss the work of the Department of State.

Since this program is being arranged at your direction, we are asking you to make the opening announcement. The United States Government Manual, published by my department—price $1.75—no more to you than to any other citizen, Mr. President—carries this foreword over your signature: (I quote) "Only through a clear understanding by every citizen of the objectives organization and availability of the government agencies can they render truly effective service and assure progress toward economic security." That, I presume, sums up the reasons for these broadcasts, but you are asked now to elaborate the theory behind them and, if you can, to say all that again in shorter words.

(Continued on page 3468)

Chavez Goes to Public for Support of Government-Owned Radio Station

In an address delivered over the National Broadcasting Company last night, Senator Dennis Chavez (D-New Mexico), author of a bill that would establish a short-wave station operated under government supervision, declared that present program services of American short-wave broadcasters in the international field are insufficient; that the stations themselves "are woefully ineffective" and that "we need a powerful government short-wave broadcasting station."

"There is no reason why this government cannot operate a radio station exclusively devoted to promoting cultural ties with the western hemisphere," he continued. "Through such a radio station we can acquaint our Latin neighbors with the sincerity of our Good Neighbor Policy."

The National Association of Broadcasters is opposing the entrance of the government into the radio field. At the present time Headquarters is tabulating the results of a survey of all short-wave operations, and will offer evidence in hearings on the bill that the program services now being offered by private short-wave broadcasters exceed in quality and quantity the program services emanating from foreign short-wave transmitters in the international field.

Radio Liquor Advertising Outlawed In New Bill

Representative Doughton (D-N.C.), Chairman, House Committee on Ways and Means, has introduced H. R. 6219 by request, which is a bill to amend the Federal Alcohol Administration Act.

Contained in the bill is a Section (g) dealing with radio advertising, which provides as follows:

> "It shall be unlawful for any person required to secure a basic permit under the provisions of this Act, or for any other person, or for any person for, or in behalf of such persons, to broadcast or cause to be broadcast, directly or indirectly, by means of radio, any advertisement of an alcoholic beverage, nor shall any such person or any person for, or in their behalf, pay for or sponsor, directly or indirectly, any radio program, or be mentioned in any radio advertisement if, either by use of a trade name or otherwise, reference is made to the fact that any such person is engaged in the manufacture, sale, or other distribution of any alcoholic beverage."

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

RADIO IS FREE AS PRESS SAYS PRESIDENT IN RECORDED INTERVIEW

(Continued from page 3467)

The President: I can say it in different words and, if not shorter, better words, the words of George Washington. In his farewell address to the people of the United States, he said: "Promote then as an object of primary importance, institutions for the general diffusion of knowledge. . . . In proportion as the structure of a government gives force to public opinion, it is essential that public opinion be enlightened."

The course thus charted by our first president has been followed consistently since his time. Institutions for the general diffusion of knowledge have been promoted in many ways. The Government, Federal, State and local, has built schools, supported them financially and aided them in their efforts to make America a nation of educated people. The other most important institution for the diffusion of knowledge during the greater part of this period has been the press. The Government's relation to the press has been different from its relation to the schools. Aside from some financial assistance, in the form of less-than-cost postal rates, the Government has supported the press chiefly by protecting its freedom. Whether or not we have the best schools in the world—and many of us think we have—it can hardly be disputed that we have the freest press. Government restrictions on the press amount to little more than laws to prevent the printing of obscene matter and articles calculated to incite rebellion. The press is as free as it cares to be or as its economic condition permits it to be.

But now, in our own time, there has come into being another great institution for the general diffusion of knowledge—the radio. Still in its infancy it already rivals in importance the schools and the press. The Government, as the people's agent, has had and has now a still different relation to radio from that toward the schools and the press. It has encouraged and aided its development on the one hand, and, on the other it has set up such controls of its operation as are necessary to prevent complete confusion on the air. In all other respects the radio is as free as the press.

Always the Government has endeavored to follow the suggestion of George Washington that the public be enlightened. Throughout the years it has made available to the press information that is essential to the people. But there has been and there is now a limit to the amount of such information that newspapers can print. Particularly is this true of newspapers published in cities of less than metropolitan size. Newspapers are business institutions, living on advertising revenue, and they are apt to be as large or as small as their advertising volume requires or permits. This is true and must be recognized, regardless of how seriously or how lightly an individual publisher may take his responsibility to keep the public fairly informed.

So, the Government, in our time, is turning to the radio as an additional means of meeting its obligation to the people. I have watched with interest and appreciation the manner in which the National Emergency Council during recent months has undertaken through the radio the diffusion of factual knowledge concerning Government operations. May I ask you, Mr. Director, to report something of your operations?

Mellett: All of our broadcasts, Mr. President, have been on local stations, not on the networks. They have taken the form, for the most part, of discussions between our State Directors and field representatives of various Government agencies. The effort has been to answer any question that may be in the mind of any citizen concerning any phase of the Government's work. Our office in Washington receives a multitude of such questions. Some of the agencies receive even more inquiries. So we feel we have reason to know what it is the people want to know. We try in these broadcasts to meet this desire.

Beginning last summer with the cooperation of a few stations in a few States our undertaking had grown by winter to the point where stations in 42 States were working with us.

The President: What Government agencies have made these reports to the people?

Mellett: The Civilian Conservation Corps, the Public Works Administration, the United States Employment Service, the Home Owners' Loan Corporation, the Army Engineers—

The President: That looks like a long list. How many in all?

Mellett: Forty in all. The present broadcast, Mr. President, and those to follow by members of your cabinet, take a somewhat different form. They will be electrical transcriptions, made here and sent out to the stations. Stations in every State have engaged to present them to their listeners.

The President: It is hard for me to conceive of any method of diffusing knowledge that would more exactly meet the purpose our first President had in mind, even though radio had not been dreamed of in his time. I am sure the heads of the Government departments will not fail to make good use of it. I like the idea of keeping the broadcasts entirely factual in character and the effort to answer the questions in the minds of the people.

When I was Governor of New York I learned the State Government was performing about 120 different functions of Government. Here in Washington the Federal Government carries on about the same number of functions, most of them different forms of or supplementary to the usual State functions. It seems to me important that before the people pass on the size of or the question of continuing these functions they should have an opportunity to obtain some factual information about them. The people, through Congress, have the right, at any time, to end any individual function, to increase it or to add new functions. That is why knowledge of what Government does today is of such great importance.

It should be possible, too, through your broadcasts, to correct the kind of misinformation that is sometimes given currency for one reason or another. In some communities it is the unhappy fact that only through the radio is it possible to overtake loudly proclaimed untruths or greatly exaggerated half-truths. While, to be sure, the people have learned to discriminate pretty well between sober facts and exciting fiction, they have a right to expect their Government to keep them supplied with the sober facts in every possible way. It was heartening to hear your report concerning the questions the people put to the Government agencies. In that connection, please give the figures of your own operation in this field.

Mellett: Our United States Information Service during 1938 received slightly more than one hundred thousand letters of inquiry on a wide variety of subjects. The United States Superintendent of Documents received almost three times that many concerning Government publications. I do not have the information as to all the departments and agencies, but an indication of the people's interest is given by the fact that the Department of Agriculture alone receives about 7,500 inquiries a day—or more than two million a year.

The President: May the interest of the people in the Government never grow less. I am sure it will not, for the people know *the* Government is *their* Government.

This is good work the National Emergency Council is doing, Mr. Director. Keep it up.

Announcer: (CLOSING ANNOUNCEMENT)

Music: ("STARS AND STRIPES FOREVER")
(UNTIL FINISH)

NEC RADIO TRANSFERRED

The functions of the Radio Division of the National Emergency Council were transferred to the Federal Securities Agency under the President's second reorganization plan sent to Congress this week and "shall be administered in the Office of Education under the direction and supervision of the Federal Securities Administrator."

FREE OFFERS

The NAB asked the RCA Manufacturing Company for a statement on its arrangements with stations for the broadcasting of Victor records which several broadcasters had reported to Headquarters. The following letter has been received, but in the NAB's opinion advertising Victor records without compensation would constitute violation of the NAB Code of Ethics.

> You have asked our Company to make a statement regarding Victor Record broadcasts. There are three types of Victor Record broadcasting activities.
>
> 1. Network broadcasting—RCA Victor has, for almost four years, advertised and promoted its Victor and Bluebird Records on the MAGIC KEY Radio Program which, I believe, is carried on the largest network of stations in the United States.
> 2. In about 35 markets, we have commercial popular Victor Record programs being carried on independent stations, some of which have no network affiliation and many of which are affiliated with the three major networks. New stations are being added as fast as we can get adequate retail distribution of our product set up to assure aggressive merchandising.
> 3. A number of radio stations are carrying, at their own request, the Victor Red Seal Program, known as "THE MUSIC YOU WANT WHEN YOU WANT IT." No charge is made by our Company to the station for the use of this program of the foremost music as performed by the world's greatest artists. When broadcast stations originally requested our permission to use our Victor Red Seal Music, it was, in our opinion, necessary to refuse these requests in order to protect the vital interests of our great Victor artists and musical organizations. Finally, we developed a broadcasting program known as "THE MUSIC YOU WANT WHEN YOU WANT IT," which we believed would be beneficial to our Victor Record artists by increasing the demand for the specific records used on the program, thereby reflecting to the credit of the Victor Record artists in the royalties paid by our Company to the artists. In granting the request of these broadcasting stations for the use of this specific program (and this one only) in the form in which we put it out, we felt that we were protecting the interests of our Victor artists and at the same time giving the broadcasting stations something that was of tremendous benefit to them and their audiences. The program has immense educational value.
>
>   Many broadcast station operators believe that in using the Victor Red Seal Program they are rendering a service to their listeners, somewhat similar to the service that is being rendered by newspapers and class magazines in the reviewing of Records in their editorial space. As you may know, most of the leading newspapers in the United States, today, review Records, putting in brand names, prices, etc. The same thing applies to class magazines.
>
>   The "MUSIC YOU WANT WHEN YOU WANT IT" Program won immediate audience popularity, with the result that each month we have a number of new stations make application for it. In some instances, our wholesale distributors have suggested to their local stations that they carry the program.
>
> As our Record business has continued to grow and to expand, our Company has invested increasingly large amounts of money in broadcast advertising. Total investment for this year in actual payments for time, exclusive of the MAGIC KEY Radio Program, will be, approximately, $500,000. RCA Victor is the only Record manufacturer, to the best of our knowledge, investing any money in radio broadcasting. It is our hope and expectation that, next year, our payments to broadcasting stations (exclusive of the MAGIC KEY) will be double this year's payments.
>
> If we can supply any further information, we will be glad to do so.
>
> Very sincerely yours,
>
> (signed) T. F. Joyce.

SCHULTE BILL

Headquarters Office is in receipt of a great many letters from stations in reply to the notice mailed to the membership with copy of the bill recently introduced by Congressman Schulte of Hammond, Indiana, prohibiting the recording of off the line broadcasts, and the making of transcriptions, under terms as set forth in the bill. According to the communications received, the industry is 100 per cent opposed to enactment of such legislation. The bill is being carefully watched and NAB's position will be stated if hearings are held.

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MONOPOLY HEARING REOPENS

The FCC investigation of chain broadcasting and monopoly in the broadcast industry will be resumed Wednesday, May 17. At this time David Sarnoff, President of Radio Corporation of America, and Marks Levine, Manager of the Concert Division of National Broadcasting Company, will be called upon to testify.

Mr. Levine will substitute for George Engels, Vice-President and Managing Director of the Artists Service Department of National Broadcasting Company, who was taken ill during his testimony last fall and was excused, subject to recall. Mr. Engels is still unable to appear.

Mr. Sarnoff will be cross-examined on testimony which he gave last November 14. These are the only two witnesses scheduled to appear at this resumption of hearings.

HEARING SCHEDULING SUSPENDED

The FCC announced this week that the scheduling of hearings, except by direct instructions from the Commission, will be suspended from July 15 to September 5, both dates inclusive.

It is the definite view of the Commission that this period can well be used in accelerating the disposition of pending cases.

REBROADCAST HEARING SET

The FCC has announced that a hearing will be held in Washington on June 7 in connection with the petition of Mayor LaGuardia of New York for permission to rebroadcast international programs over the city station.

The Commission has sent notices to the licensees and permittees of all existing standard broadcast stations (all broadcast stations licensed to operate upon the channels 550 to 1600 kc, both inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels, to the licensees and permittees of all existing international broadcast stations (all international broadcast stations licensed to operate upon the channels of 6,000 to 26,600 kc, inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels and to any other interested parties.

The official notice in this connection is as follows:

You are hereby notified that the Commission has ordered a hearing on the above-entitled matter at its offices, Washington, D. C., on June 7, 1939, at the hour of 10 o'clock A. M., in Room 1411, Post Office Department Building, 12th and Pennsylvania Avenue, N.W.

Pursuant to said order, you are hereby notified that the Commission at said time and place will hear any licensee, permittee, applicant, or other interested party on the questions hereinafter set forth in order to determine whether or not Rules 177 and 177.1 should be modified so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

For the purposes of developing information upon the question of modification of the rule as aforesaid, the following issues shall be determined:

1. To determine whether the Commission should amend its Rule 177.1 so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

2. To determine whether the Commission should amend its Rule 177.1(b) so as not to require authority from the Commission to rebroadcast the programs of high frequency broadcast stations by regular broadcast stations whose licensees are the same as those set forth in paragraph 1 hereof.

3. To determine the basis for the distinction between the types of licensees mentioned in paragraph 1 hereof and other broadcast licensees for the purposes therein set forth.

4. To determine to what extent, if at all, the amendment of the rules as set forth in paragraphs 1 and 2 hereof would affect the operation of commercial stations as to program service and listening audience.

5. To determine whether the amendment of these rules in the particulars mentioned in paragraphs 1 and 2 hereof is consistent with the purposes of international broadcast stations, as set forth in Rules 1010, 1011, and 1012(c).

6. To determine whether, in view of the long distance characteristics of international stations, and the unreliability of the short or national services of such stations, international stations should be permitted to be used to assist in the building of programs for regular broadcast stations.

7. To determine whether in view of the limited number of frequencies available throughout the world for international stations and the relatively large number of frequencies now used for regular broadcast stations in the United States, and in view further of the position taken by the Government of the United States of America at all international conferences that international broadcast stations should be used exclusively for international transmissions of programs, the amendment of Rule 177.1, as set forth in paragraph 1 hereof, should be made.

8. To determine whether the amendment of rules in the particulars mentioned in paragraphs 1 and 2 hereof would be consistent with international agreements or treaties to which the United States is a party. (Article 7, Paragraph 19, of the General Radio Regulations, Annex 2, of the International Telecommunications Convention, Madrid, 1932; Article 7, Paragraph 22, of the General Regulations, Annex 2, of the International Radio Convention, Cairo, 1938; and Section 2, Table IV, of the Inter-American Arrangement Concerning Radio Communications, Havana, 1938.)

9. To determine whether the Commission should change its basic policy of not authorizing the use of radio facilities where other facilities are available to render the same service.

10. To determine to what extent a sufficient signal can be delivered by international broadcast stations throughout the United States to permit a satisfactory rebroadcast service.

11. To determine whether the modification of the rules as set forth in paragraphs 1 and 2 hereof would serve public interest, convenience and necessity.

These issues shall not, however, be considered exclusive of, nor preclude, the presentation of any other material evidence which any party may desire to present.

Each licensee, permittee, applicant, or other party desiring to be heard shall, within fifteen days of the mailing of this notice by the Secretary of the Commission, file with the Commission notice of its intention to be present and participate in said hearing.

DISTRICT 1 MEETING

With copyright and legislative problems highlighting the meeting, broadcasters in the New England District 1 meeting yesterday, elected Paul Morency, WTIC, as the new director, replacing John Shepard, III, who was not a candidate for renomination.

President Neville Miller and Joseph L. Miller, Director of Public Relations, represented Headquarters. Those present were: John Shepard, III, WNAC, Boston, Massachusetts; Ted Hill, WTAG, Worcester, Massachusetts; Frank Doolittle, WDRC, Hartford, Connecticut; Erwin Frey, WBRY, Waterbury, Connecticut; S. P. Willis, WPRO, Providence, Rhode Island; Herman Steinbruch, WNBX, Springfield, Vermont; Edward J. Lord, WLNH; James Spates, WHAI, Greenfield, Massachusetts; John Holman, WBZ, Boston, Massachusetts; Stanley Schultz, WLAW, Lawrence, Massachusetts; Quincy A. Brackett, WSPR, Springfield, Massachusetts; Paul Morency, WTIC, Hartford, Connecticut; Harold Fellows, WEEI, Boston, Massachusetts; C. Glover Delaney, WTHT, Hartford, Connecticut; George Kelley, WCSH, Portland, Maine; Henry Rines, Jr., WFEA, Manchester, New Hampshire; William Welch, WSAR, Fall River, Massachusetts; A. S. Moffat, WMAS & WLLH, Cambridge, Massachusetts; Gerard Slattery, WCOP, Boston, Massachusetts; Philip Weiss, WSYB, Rutland, Vermont; and G. S. Wasser, WQDM, St. Albans, Vermont.

DISTRICT 7 MEETING

Acceding to the wishes of Mark Ethridge that it was necessary for him to relinquish his duties as director, and acting upon the motion of the Kentucky broadcasters that the new director come from Ohio, the broadcasters in Kentucky and Ohio, comprising District 7, elected John H. Ryan, Station WSPD, director for the District.

On motion of H. K. Carpenter, WHK-WCLE, Cleveland, District 7 formally thanked Mr. Ethridge for his "valuable and distinguished services not only benefiting the broadcasters of District 7, but the entire industry as well." The resolution paid tribute to his leadership during the reorganization period of the NAB and during the interim when he served as temporary president.

District 7 went on record as opposed to the ratification of the International Copyright Union Treaty, and in opposition to the Johnson Bill as one "discriminatory of dangerous precedent."

President Neville Miller led the discussions on copyright and legislative problems, while Ed Kirby, Director of Public Relations, reviewed problems of the Code and other Headquarters activities.

DISTRICT 11 MEETING

Station owners, managers, sales managers, and guests attended the spring meeting of the 11th District at Hotel Kahler in Rochester, Minn., May 5.

Presiding was Earl Gammons, WCCO, district director. Among the principal topics of discussion at the meeting of managers and owners were the copyright laws and legislative matters before Congress. A vote of confidence was given to Neville Miller, president of the NAB, for his work and the district went on record "for the payment at the source of all copyright fees on music for network and transcription broadcasting."

Earl Reinke, WDAY, Fargo, and S. C. Fantel, KSOO, Sioux Falls, S. D., in conjunction with other members of their states said they would have 100 per cent membership attendance at Atlantic City at the July convention.

Earl Gammons was re-elected as director of the 11th District for the ensuing two-year term.

In addition to the meeting of the managers and directors, the sales managers held their meeting with Barney Lavin, WDAY, of Fargo, presiding. Speaking at this meeting was Craig Lawrence of Des Moines, representing the Iowa network. Mr. Lawrence is chairman of the sales managers division of the NAB.

Speaking for President Miller was Paul Peter who came to the meeting from Washington in his capacity as director of research of the NAB. Others who spoke before the owners and managers meeting were Carl Haverlin, general manager of Davis-Schwegler, Inc., Los Angeles, and Alex Sherwood of Chicago, representing Standard Radio, Chicago.

Present at the owners and managers meeting were Stanley E. Hubbard and Kenneth M. Hance of KSTP, St. Paul and Minneapolis; Dr. George Young, WDGY, Minneapolis; C. T. Hageman, WTCN, Minneapolis and St. Paul; E. J. Hayek, KATE, Albert Lea, Minnesota; Earl Reineke, WDAY, Fargo, N. D.; Gregory Gentling, KROC, Rochester, Minnesota; F. B. Clements, KYSM, Mankato; S. Fantle, Jr., KSOO—KELO, Sioux Falls, S. D.; A. A. Fay, KABR, Aberdeen, S. D.; George A. Bairey, Fred Schilplin, both of KFAM, St. Cloud, Minnesota; Bob Tincher, WNAX, Yankton, S. D.; Phil Meyer, Bismarck, KFYR; Ray Schwartz, KYSM, Mankato, Minnesota; George A. Rohn, KSOO, Sioux Falls, S. D.

Sales managers and representatives who attended the sales session included C. A. Kennedy, KYSM; E. A. Thomas, KROC; Tom Dawson, WCCO; Ray Jenkins, KSTP; Craig Lawrence, WMT; Hayden Evans, WNAX; W. C. Tiedeman, KATE.

DISTRICT 17 MEETING

C. W. (Chuck) Myers was unanimously re-elected as Director of the 17th District at a meeting held at the Arlington Club, Portland, Oregon, Friday, May 5.

The meeting was attended by the following member stations in Oregon and Washington:

KALE, Portland, Ore., Ted Kooreman; KEX, Portland, Carey Jennings; KFPY, Spokane, Wash., Tom Symones, Jr.; KIRO, Seattle, Wash., H. J. Quilliam; KJR, Seattle, C. E. Arney; KOMO, Seattle, C. E. Arney; KOIN, Portland, C. Roy Hunt; KOOS, Marshfield, Ben Stone; KRSC, Seattle, Bob Priebe; KVI, Tacoma, Earl T. Irwin; KXL, Portland, Tom Symones, Jr.; KXRO, Aberdeen, Washington, Harry R. Spence.

Other executives of already-represented NAB stations present were: Sheldon Sackett, of Marshfield and Salem; and C. W. Myers of Portland. Walter Read of the new KVAN at Vancouver, Washington, scheduled to be on the air July 4, attended as a guest and presented his application for membership.

Other routine business received attention, and resolutions were prepared and adopted opposing ratification of the International Copyright Union treaty, and the Johnson bill to restrict advertising of alcoholic beverages, and approving the policy of the NAB copyright committee.

Legal

COPYRIGHT BILLS

Two new bills seeking to amend the Federal copyright laws have been introduced in the House of Representatives by Mr. McGranery (D.-Pa.) and by Mr. Moser (D.-Pa.). Both bills have been referred to the Patents Committee.

Mr. McGranery's bill (H. R. 6160) is a lengthy amendment to the Copyright Act somewhat similar to other bills heretofore introduced. Among other things, it seeks to create copyright in phonograph records, it extends the life of a copyright to 56 years instead of the present 28 year period, and it anticipates adherence by the United States to the International Copyright Convention. The bill does not change the present $250.00 minimum damages but allows the damage provisions of the 1909 statute to remain in force. If the bill should be enacted into law, the copyright problems of broadcasters will be substantially increased.

The bill introduced by Mr. Moser (H. R. 6243) seeks to confer upon the Federal Communications Commission the right to authorize the use of copyrighted works at rates determined by the Commission when the person desiring to use the copyrighted works is unable to secure an agreement with the copyright owner. Mr. Moser's entire bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who desires to print, reprint, publish, copy, perform, vend, or exercise any protected right in respect to, any work copyrighted under the copyright laws of the United States, and is unable to secure an agreement with the copyright owner for such desired use thereof, may file an application in writing with the Federal Communications Commission for a permit to make such desired use of the copyrighted work at such rates of royalties or charges therefor as the Commission shall determine under this Act. The Commission, after notice and opportunity for hearing to any interested person, shall within a reasonable time after the filing of such application grant or deny the application by order. The Commission shall not grant any application unless it finds that such action will be in the public interest. If the application for the permit is granted, the Commission in its order shall, after notice and opportunity for hearing to interested parties, fix just and equitable rates of royalty or charge to be paid the copyright owner by the applicant for the use or uses covered by the permit, and the amount of the bond to be furnished by the applicant for the purpose of securing the payment of the royalties or charges by the applicant to the copyright owner at the rates so fixed. Any use of a copyrighted work pursuant to a permit granted and lawfully in force under this Act, shall not be held or considered to be a violation of the copyright laws of the United States.

Sec. 2. To aid in carrying out the provisions of this Act, the Federal Communications Commission is authorized and directed to use such powers vested in it by the Communications Act of 1934, or by any other laws, as are not inconsistent with the provisions of this Act, and the Commission is authorized and directed to prescribe such rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

Sec. 3. There are hereby authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out the provisions of this Act.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 5. This Act shall take effect thirty days after the date of its enactment.

BILLS AFFECTING BROADCASTING

CONGRESS

H. R. 6160 (Mr. McGranery, D.-Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents.

H. R. 6219 (Mr. Doughton, D.-N. C.) ALCOHOLIC BEVERAGES—To amend Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means.

H. R. 6243 (Mr. Moser, D.-Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. Referred to Committee on Patents.

STATE LEGISLATION

Delaware:

H. 224 (Rhodes) OCCUPATIONAL LICENSES—Amending the law relating to occupational licenses. Approved 5-2-39.

Florida:

H. 1022 (Allen) LABOR UNIONS REPORTS—Requiring labor unions, associations or groups to maintain records and file regular reports with treasurer of state. Referred to Labor Committee.

H. 1023 (Allen) LABOR UNION REGULATION—Prohibiting any labor union or group from donating dues from members to any foreign cause. Referred to Labor Committee.

H. 1045 (Marchant) RADIO BROADCASTING—Relating to the civil liability of owners, lessees and operators of radio broadcasting stations. Referred to Judiciary A Committee.

H. 1061 (Howze) TRADE MARK PROTECTION—Providing for further additional remedies in enforcement of laws for the protection of trade mark owners, producers, distributors, and the general public against injurious and uneconomic practices in distribution of competitive commodities. Referred to Judiciary A Committee.

H. 1103 (Marchant) MUSICAL COPYRIGHTS—Same as S. 635, below.

H. 1110· (Marchant) UNLAWFUL MONOPOLY—Same as S. 636, below.

S. 626 (Gideons, et al) LABOR RELATIONS—Same as H. 947. Protecting employees and employers in labor controversies, defining labor disputes, regulating collective bargaining agencies, etc. Referred to Labor and Industry Committee.

S. 633 (Rose) EXCISE TAXES—Providing for a levy of ad valorem taxes by counties, cities, towns and other taxing authorities. Referred to Finance and Taxation Committee.

S. 634 (Beacham) RADIO BROADCASTING—Same as H. 1045 above. Referred to Judiciary B Committee.

S. 635 (Beacham) MUSICIAL COPYRIGHTS—Relating to public performing rights in copyrighted musical compositions. Referred to Judiciary B Committee.

S. 636 (Beacham) MONOPOLIES, COPYRIGHTS—Amending Chapter 17807 of the 1937 Act, affecting monopoly and its purposes in restraint of trade, any combination of persons which determines the amount of money to be paid to its members for the privilege of rendering publicly or privately for profit, copyrighted vocal or instrumental musical compositions, etc. Referred to Judiciary B Committee.

S. 637 (Beacham) PHONOGRAPH RECORDS—Preventing claims for additional compensation after sale of phonograph records, transcriptions, or any form of recorded music and entertainment has been made and to protect purchaser thereof. Referred to Judiciary B Committee.

New York:

A. 2326 (Wilson) UNEMPLOYMENT INSURANCE—Amends generally the provisions for unemployment insurance, changes definition of base year, waiting period and duration of benefits; state department is to cooperate with federal government for the benefit of railroad employees, state bureau is to have executive secretary and research assistant and commissioner may appoint referees to hold hearings on claims and adjustments; extends to March 15, 1940, time for commissioner to transmit to the legislature the report of his committee appointed to study partial unemployment, and makes other changes. Referred to Rules Committee.

Wisconsin:

S. 502 (Kresky) PUBLIC EXHIBITIONS—MINORS—Relating to the employment of minors in public exhibitions. Referred to Education and Public Welfare Committee.

THE BOYER ADVERTISING COMPANY

The Boyer Advertising Company, Clarkedale, Mississippi, is approaching stations by letter asking that an enclosed announcement advertising "Lady Alice Cosmetics" be broadcast once a week for twenty-six weeks at the lowest possible rate. This agency requests that the series start immediately and that a twenty-six week contract be forwarded to Boyer for signature.

It is suggested that stations obtain a more definite commitment before starting announcements in the campaign. Also, the announcement copy involves a gift offer and stations should give careful consideration to avoid possible violation of Section 316 of the Communications Act prohibiting gift enterprises.

OFFICE OF EDUCATION LAUNCHES NEW RADIO SERIES

Commissioner of Education John W. Studebaker announced this week that the Office of Education, Department of the Interior, has accepted an invitation extended by the U. S. New York World's Fair Commisison to produce in cooperation with the Columbia Broadcasting System a new weekly coast-to-coast radio series interpreting and supplementing the Federal Exhibits at the Fair. Beginning May 14, the series will be on the air every Sunday, 2 to 2:30 p. m., EDST, over CBS and affiliated stations.

The new series, titled "Democracy in Action," will succeed the Office of Education program "Americans All—Immigrants All," recently named by the Women's National Radio Committee, as the "most original and informative program" of the year.

FCC TELEVISION COMMITTEE

The Television Committee of the Federal Communications Commission had an informal conference on Tuesday with the Don Lee Broadcasting Company of Los Angeles in connection with its investigation of the whole television situation. On May 15 the Committee will confer with the Zenith Radio Corporation of Chicago.

In addition to these two conferences, the Committee within the past ten days has conferred informally with representatives of the Majestic Radio & Television Corporation, the Crosley Corporation, and the Wald Radio & Television Laboratories, Inc.

The Television Committee is composed of Commissioners T. A. M. Craven, Chairman, Norman S. Case and Thad H. Brown. Commenting on the television situation and its connection with these conferences, Chairman Craven said:

"We are discussing frankly with the industry the problems inherent in this new visual means of communication. By proceeding deliberately we hope to make a logical and comprehensive report to the Commission concerning the various complicated aspects of television as a service to the public. The Television Committee will make its report to the Commission as soon as practicable after the conclusion of the series of conferences."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of May 15. They are subject to change.

Monday, May 15

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., **1340 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

Tuesday, May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

Wednesday, May 17

Further Hearing

Broadcast

NEW—Nathan Frank, New Bern, N. C.—C. P., **1500 kc.**, 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.; Proposed Studio, Kansas City, Mo., Proposed Transmitter, Kansas City, Kans.—C. P., **1220 kc.**, 1 KW, 5 KW LS, shares KFKU (DA for day and night). Present assignment: **1220 kc.**, 1 KW, 5 KW LS, shares KFKU.

June 5

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

June 7

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., **940 kc.**, 1 KW, daytime. Present assignment: **940 kc.**, 250 watts, daytime.

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, **1350 kc.**, 1 KW, 1 KW LS, shares WAWZ (DA day and night).

Hearing Before the Committee

IN THE MATTER OF AMENDMENT OF RULES 177 AND 177.1 ON PETITION OF MAYOR LaGUARDIA OF THE CITY OF NEW YORK.

June 21

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license, **1120 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **920 kc.**, 1 KW, daytime.

June 23

WSUI—The State University of Iowa, Iowa City, Iowa—C. P., **880 kc.**, 1 KW, 5 KW LS, unlimited time (DA day and night). Present assignment: **880 kc.**, 500 watts, 1 KW LS, unlimited time.

June 27

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., **1270 kc.**, 1 KW, unlimited time (DA night) (requests facilities of KWLC and KGCA). Present assignment: **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, **1270 kc.**, 100 watts, daytime, shares KWLC.

KWLC—Luther College, Decorah, Iowa.—Renewal of license, **1270 kc.**, 100 watts, daytime, shares KGCA.

June 28

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KNOW—KUT Broadcasting Company, Austin, Tex.—Granted voluntary assignment of license for station KNOW to Frontier Broadcasting Company, Inc. (**1500 kc.**, 100 watts, unlimited time).

WACO—KTSA Broadcasting Company, Waco, Tex.—Granted voluntary assignment of license for station WACO from KTSA Broadcasting Co. to Frontier Broadcasting Company (**1420 kc.**, 100 watts night, 250 watts day, unlimited time).

KEX-KGW—O. L. Price, Trustee, Portland, Ore.—Granted transfer of control of 470 shares of capital stock of the Oregonian Publishing Company, licensee of stations KGW and KEX, to heirs at law of Henry L. Pittock.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to move transmitter site locally, install new equipment and directional antenna system, and increase power from 500 watts night, 1 KW day, unlimited time, to 1 KW night, 5 KW day, employing DA for nighttime operation.

WBCM—James E. Davidson, Bay City, Mich.—Granted transfer of control of Bay Broadcasting Co., Inc., licensee of WBCM, from James E. Davidson to Harley D. Peet.

NEW—Kolarama Laboratories, Inc., Irvington, N. J.—Granted C. P. for new television broadcast station to operate a television transmitter for test and experimental purposes only for a period of 30 days, for radio television transmission in the **2000-2100 kc.** band; to operate between the hours of 12 midnight and 6 a. m. on non-interference basis with a power of 500 watts, A5 emission.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of C. P. approving transmitter site and DA system for both day and nighttime operation.

W3XAD—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of license of television station for change in licensed frequencies from **124000-130000 kc.** to **321000-327000 kc.**

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KADA, Ada, Okla.; KALB, Alexandria, La.; KANS, Wichita, Kans.; KARM, Fresno, Calif.; KCRJ, Jerome, Ariz.; KBTM, Jonesboro, Ark.; KDLR, Devils Lake, N. Dak.; KELO, Sioux Falls, S. Dak.; KFJB, Marshalltown, Iowa; KFOR, Lincoln, Nebr.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Calif.; KGEK, Sterling, Colo.; KGFJ, Los Angeles; KGHI, Little Rock, Ark.; KGLO, Mason City, Iowa; KMLB, Monroe, La.; KOME, Tulsa, Okla.; KPPC, Pasadena, Calif.; KROY, Sacramento, Calif.; KVCV, South of Redding, Calif.; KVEC, San Luis Obispo, Calif.; KWG, Stockton, Calif.; KWNO, Winona, Minn.; WAIM, Anderson, S. C.; WALR, Zanesville, Ohio; WABI, Bangor, Maine; WBBL, Richmond, Va.; WBRB, Red Bank, N. J.; WCAT, Rapid City, S. Dak.; WCLO, Janesville, Wis.; WCOL, Columbus, Ohio; WCRW, Chicago, Ill.; WEBQ, Harrisburg, Ill.; WEDC, Chicago, Ill.; WEST, Easton, Pa.; WFAM, South Bend, Ind.; WFBG, Altoona, Pa.; WFOY, St. Augustine, Fla.; WGBB, Freeport, N. Y.; WHAI, Greenfield, Mass.; WHBC, Canton, Ohio.; WHBU, Anderson, Ind.; WHBY, Green Bay, Wis.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WJIM, Lansing, Mich.; WJNO, West Palm Beach, Fla.; WKOK, Sunbury, Pa.; WLOK, Lima, Ohio; WLVA, Lynchburg, Va.; WMFG, Hibbing, Minn.; WMFR and auxiliary, High Point, N. C.; WMPC, Lapeer, Mich.; WOMT, Manitowoc, Wis.; WQXR, New York City; WSAL, Salisbury, Md.; WCAY, Rochester, N. Y.; WSBC, Chicago; WSGN, Birmingham, Ala.; WSJS, Winston-Salem, N. C.; WSNJ, near Bridgeton, N. J.; WSOC, Charlotte, N. C.; WTAX, Springfield, Ill.; WTOL, Toledo, Ohio.

The following high frequency broadcast experimental station licenses were renewed on a temporary basis only, subject to change and cancellation by the Commission at any time, without advance notice or hearing, for the period ending April 1, 1940: W9XHW, Minneapolis; W8XNU, Cincinnati; W9XA, Kansas City, Mo.; W2XDG, Bound Brook, N. J.; W2XHG, New York City; W9XUP, St. Paul, Minn.; W9XH, South Bend, Ind.; W1XER, Sargents Purchase, N. H.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearings have not yet been set.

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—C. P. to move transmitter site locally, exact site to be determined; make changes in equipment, change frequency from **1370** to **630 kc.**, and increase power and time of operation from 100 watts night, 250 watts day, S-KONO, to 1 KW both night and day, unlimited time. Application designated for hearing because pending applications involve increase in service and possible interference.

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission). Application designated for hearing because request violates Rule 121. Also pending applications involve increase in service.

MISCELLANEOUS

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition requesting that the Commission reconsider its action of January 24, 1939, in designating for hearing the application for modification of license to change hours of operation of KTSW from daytime to unlimited.

NEW—Tri-City Broadcasting Co., Inc., Schenectady, N. Y.—Denied petition for rehearing in re application for new station to use **950 kc.**, 1 KW, unlimited time, which was denied by the Commission on March 20, 1939.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.; and WMEX—The Northern Corp., Boston, Mass.—Denied petition of WWRL for modification of Statement of Facts, Grounds for Decision and Order in the matter of the application of WNLC, Thames Broadcasting Corp., New London, Conn., for authority to change hours of operation from daytime to unlimited, which was granted by the Commission on March 6, 1939. Also denied petition of WMEX for rehearing and other relief, in re application of WNLC.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Granted motion to strike "Protest and Petition for Rehearing", filed by Martin Falk and others, in re the aplication of Press-Union Publishing Co., for a new station to operate on **1200 kc.**, 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on March 6, 1939, and dismissed petition of Falk, et al., for rehearing.

Decatur Newspapers, Inc., Decatur, Ill.—Granted petition of transferee, Decatur Newspapers, Inc., for 1 hour Oral Argument, to be held May 11, in re the application for the transfer of control of station WJBL, Decatur, Ill., from Chas. R. Cook, Transferor.

W9XER—Midland Broadcasting Co., Kansas City, Mo.—Granted petition to reconsider and grant without a hearing the application of W9XER for renewal of license and for authority to change equipment and increase power from 50 to 500 watts, and change transmitter location of high frequency broadcast station.

WHBF—Rock Island Broadcast Co., Rock Island, Ill.—Denied request that station be authorized to use the following form for station identification announcements: "This is Station WHBF, Rock Island and Moline."

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—Designated for further hearing on issues to be specified, the matter of application for new station to operate on **1390 kc.**, 1 KW, unlimited time, which was denied by the Commission on December 12, 1938.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted motion for leave to amend application, with reference to proposed antenna; hearing now screduled for May 23. (Hearing date will be cancelled if engineering department finds it cannot be ready by that date.)

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition to intervene in the hearing on the application of WSPA for modification of license.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted petition for intervention in the hearing on the application of KUTA to change frequency and power.

WHBF—Upper Michigan Broadcasting Co., Calumet, Mich.—Denied motion to strike certain findings made by applicant in Docket 5420, Lane J. Horring, d/b as Copper Country Broadcasting Co., for C. P. for new station in Hancock, Mich.

KGA—Louis Wasmer, Spokane, Wash.—Granted petition to intervene in the hearing in re application of KFIO, Spokane, Wash., to change frequency and power.

KHQ—Louis Wasmer, Spokane, Wash.—Granted petition to intervene in the hearing in re application of KFIO, Spokane, Wash., to change frequency and power.

W3XEX—WTAR Radio Corp., Norfolk, Va.—Denied motion to dismiss without prejudice, application for renewal of high frequency broadcast station license. Exceptions to the ruling noted by counsel for the applicant.

KOVC—KOVC, Inc., Valley City, N. Dak.—Denied petition to dismiss without prejudice application for C. P. to change frequency and power, scheduled for hearing on May 15.

KXL—KXL Broadcasters, Portland, Ore.—Denied petition to accept amendment with reference to change in frequency, with leave to applicant to withdraw present application without prejudice.

The Crosley Corp., Cincinnati, Ohio.—Granted petition for all parties involved for extension of time for filing exceptions to Committee Report and brief in support thereof, to and including May 15, in re rules governing standard broadcast stations.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of CP to make changes in equipment.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted modification of C. P. authorizing change in transmitter and studio locations locally, and changes in equipment; also extension of commencement date to 30 days after grant and completion date to 120 days thereafter. This grant is made subject to the condition that towers be marked according to specifications.

Columbia Broadcasting System, New York City.—Granted motion for extension of time for filing exceptions and request for oral argument, to May 15, in re rules governing standard broadcast stations.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion for continuance of hearing, now scheduled for May 24, for a period of 2 weeks, new date to be fixed at the convenience of the docket section, in re application for renewal of license.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion to amend deposition order in re application for renewal of license, by continuing date for taking to May 22, and adding the name of certain witnesses.

NEW—WJMS, Inc., Ashland, Wis.—Denied petition for leave to amend application for new station, so as to request **1310 kc.,** 250 watts day, 100 watts night, a hearing on which is now scheduled for June 1.

NEW—WJMS, Inc., Ashland, Wis.—Granted petition for order to take depositions in re above application.

WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Motion requesting permission for 1 hour argument (oral argument now scheduled for May 11), was referred to the Commission en banc with recommendation that it be considered favorably.

WEED—William Avera Wynne, Rocky Mount, N. C.—Granted license to cover C. P. authorizing changes in composite equipment for 250 watts.

WGNY—Peter Goelet, Newburg, N. Y.—Granted license to cover C. P. authorizing changes in equipment and change in frequency from **1210** to **1220 kc.,** increase in power and time of operation from 100 watts, sharing time with WBRB, WFAS and WGBB, to 250 watts, daytime only.

KBKR—Louis P. Thornton, Baker, Ore.—Granted modification of C. P. approving transmitter and studio sites and extension of commencement date to 60 days after grant and completion date to 240 days thereafter. Towers to be marked according to specifications.

NEW—George Harm, Fresno, Cal., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on frequencies **1622, 2058, 2150** and **2790 kc.,** 25 watts.

NEW—City of New York, Municipal Broadcasting System (New York City—within 100 miles), Portable-Mobile (2 Appls.)—Granted C. P. for new relay station to operate on frequencies **1622, 2058, 2150** and **2790 kc.,** 50 watts.

NEW—Radio Station WMFR, Inc., High Point, N. C., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on frequencies **1622, 2058, 2150, 2790 kc.,** 50 watts.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies **1646, 2090, 2190** and **2830 kc.,** 50 watts.

KSCR—McClatchy Broadcasting Co., Sacramento, Cal.—Granted license to cover C. P. for relay broadcast station; frequencies **1646, 2090, 2190** and **2830 kc.,** 100 watts.

WAHE—WTAR Radio Corp., Norfolk, Va., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies **1606, 2022, 2102** and **2758 kc.,** 50 watts.

WCNY—Board of Education, City of New York, Brooklyn, N. Y.—Granted license to cover C. P. for new non-commercial educational broadcast station; frequencies **41100 kc.,** 500 watts.

KPDN—R. C. Hoiles, Pampa, Texas.—Granted special temporary authority to operate unlimited time on May 8, 9, 10, 11, 12, in order to broadcast local baseball games.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to rebroadcast recording of program material received from relay broadcast station WOEG operated by Gen. Elec. Co., located aboard Union Pacific train from 2 to 2:15 p. m., EST, on May 11.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., until midnight on June 5, in order to broadcast Judicial election returns.

WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, located aboard Union Pacific train and operated by Gen. Electric Co., from 4 to 4:45 p. m., CST, on May 12.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, located aboard Union Pacific train and operated by Gen. Electric Co., from 7 to 8 p. m., EST, on May 11.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m. until midnight, EST, on May 16, 24, June 1, 8, in order to broadcast baseball games.

W3XEX—WTAR Radio Corp., Norfolk, Va.—Denied as in cases of default application for renewal of high frequency broadcast (experimental) station license. Application was heretofore set for hearing and applicant failed to file written appearance.

WJBC—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: May 15, 22, 29 and June 5, in order to broadcast special programs from Louisiana State University and special addresses by the president and members of the faculty of that University.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period May 9 to June 7, in order to conduct experimental farm programs.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, on May 12, 19, 26, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 9:30 p. m., MST, on May 14, 21, 28, June 4, in order to broadcast evening church services.

The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to use Western Electric 13A transmitter licensed to CBS, call letters WCBG, for relay broadcast program to be rebroadcast over station WHAS on May 6 (action taken May 6).

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Granted special temporary authority to operate a portable 50-watt transmitter on frequency **1500 kc.** between the hours 1 and 6 a. m., DST, from May 8 to May 23, in order to determine new transmitter site for radio station WWRL.

WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period April 30 to August 1, in order to conform with the adoption of Daylight Saving Time in Chicago.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST) to 11 p. m. on May 14, 21, 28, in order to broadcast Methodist Church Services, using 100 watts only.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 3:30 p. m., CST, on May 27, in order to broadcast Upper Peninsula High School Conference track meet.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, May 14, 21, 28 and June 4, in order to broadcast feature by the New York Philharmonic Symphony Orchestra, and religious talk by the Rev. Chas. E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, May 19, 26, June 2 and 9, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and American School of the Air.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate simultaneously, non-synchronously with station KFAB commencing 4:45 a. m., CST, for the period May 10 to June 9, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted special temporary authority to operate simultaneously, non-synchronously with station WBBM commencing 4:45 a. m., CST, for the period May 10 to June 9, in order to conform to Daylight Saving Time.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate a crystal-controlled 100-watt test transmitter in the vicinity of Evansville on frequency **1270 kc.** during daylight hours beginning one hour after local sunrise and ending one hour before local sunset, for a period not to exceed 30 days, in order to determine the suitability of a site selected in connection with WGBF's pending application.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to operate from 7:30 to 8:45 p. m., CST, on May 15, in order to broadcast early proceedings of Chamber of Commerce banquet, using 100 watts only.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted special temporary authority to operate a 50-watt portable transmitter during daytime hours between one hour after sunrise and one hour before sunset on the frequency **1550 kc.**, for a period not to exceed 30 days, in order to conduct site survey. Also granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG operated by General Electric Co., located aboard Union Pacific train, from 5:45 to 6 p. m., EST, on May 10.

W8XUJ-W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to use facsimile broadcast experimental station W8XUJ and high frequency station W8XNU at Carew Tower, for a period not to exceed 30 days, in order to conduct radiation tests to determine whether or not shielding is needed in television rooms.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequencies **31.22** and **37.02 megacycles** in lieu of present assignments **31.1** and **37.6 megacycles,** for the period May 20 to June 18, pending adjustments of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order No. 19.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material to be received from Forest Service key station KBAA or similar forestry stations operating in the northwest portion of the United States over stations KPO and KGO and their affiliated chain network stations, in connection with regular network features "On the Fire Line," in addition and on occasions when prevailing forest fires may prompt the conduct of a descriptive program for information and educational guidance, for May 10, 1939.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency **43000 kc.** with power not to exceed 100 watts, for the period May 10 to June 8, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency **42060 kc.** in addition to the normal licensed frequencies, for the period May 17 to June 15, pending definite arrangements to be made in the ultra high frequency bands.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied special temporary authority, unless Rule 15.15 is complied with, to operate from 8 to 8:30 p. m., CST, on May 30, in order to broadcast Twentieth Century-Fox program from MBS.

APPLICATIONS FILED AT FCC

550 Kilocycles

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for changes in directional antenna (day and night use), change in frequency from **550 kc.** to **630 kc.,** hours of operation from S-KFUO to unlimited, move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to St. Clair and Warren Aves., Nameoki, Ill., contingent on KFRU and WGBF. Request facilities of KXOK.

580 Kilocycles

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—Authority to determine operating power by direct measurement of antenna power (**580 kc.**)

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Construction permit to install new transmitter and antenna to be determined; increase power from 500 watts to 1 KW night, 5 KW day; change hours of operation from limited to unlimited time; move transmitter from 9631 Wilshire Blvd., Beverly Hills, Calif., to site to be determined, near Culver City, Calif.

780 Kilocycles

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Construction permit for a new station on **780 kc.,** 250 watts power, daytime. Studio and transmitter locations to be determined, Springfield, Ohio.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corporation, Glenside, Pa.—Modification of construction permit B2-P-2268 to install new transmitter and antenna, move of transmitter, further requesting authority to change type of equipment, and extend commencement and completion dates 60 days each.

1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit (B5-P-1712) as modified for increase in power, new equipment, move transmitter site and install directional antenna for day and night use, requesting change in type of transmitter.

1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—License to cover construction permit B4-P-1928, as modified, to install new transmitter and increase power.

1050 Kilocycles

WIBC—Indiana Broadcasting Corporation, Indianapolis, Ind.—Authority to transfer control of corporation from Glenn Van Auken to H. G. Wall, 510 shares common stock.

1210 Kilocycles

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to transfer control of corporation from Ronald B. Woodyard to West Virginia Broadcasting Corp., 100 shares common stock.

WJMC—Walter H. McGenty, Rice Lake, Wis.—License to cover construction permit (B4-P-1231) for new station.

1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter, and antenna to be determined; increase power from 1 to 5 KW; change frequency from **1240 kc.** to **620 kc.**

1310 Kilocycles

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Construction permit to erect a new station on **1310 kc.,** 100 watts, 250 watts day, unlimited time.

1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to change hours of operation from specified hours (all not used by station WSVS) to unlimited. Request facilities of station WSVS.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of construction permit B3-P-1233, for a new station requesting changes in type of transmitter and approval of antenna and approval of studio site at Main St., 1202, Columbia, S. C., and transmitter site at Henderson St., 1300, Columbia, S. C. Amended: Antenna and specify transmitter site as 200 Senate St., Columbia, S. C.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Extension of special experimental authority to operate a "satellite" station on **1370 kc.,** 10 to 100 watts power, unlimited time, to be operated in addition to WLLH (Lowell, Mass.), for period from 7-1-39 to 1-1-40. Located at Gregg Bldg., Lawrence, Mass.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—License to cover construction permit (B2-P-1289) as modified for a new station.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-P-1634 as modified for new transmitter, directional antenna for night use, increase in power, and change in frequency and move of transmitter.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Construction permit to install new transmitter, vertical antenna; change frequency from **1420 kc.** to **1480 kc.;** increase power from 100 watts, 250 watts day, to 5 KW day and night; change hours of operation from specified hours to unlimited time. **(1420 kc.)**

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of construction permit B5-P-1542 as modified for a new station, requesting extension of completion date from 6-11-39 to 12-11-39.

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Construction permit for a new station on **1420 kc.,** 100 watts, unlimited time.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Construction permit for a new station on **1420 kc.,** 100 watts, 250 watts day, unlimited time.

1500 Kilocycles

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Modification of construction permit B4-P-1147 as modified for move of studio and transmitter, install new antenna, further requesting extension of completion date from 5-20-39 to 11-20-39.

NEW—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Construction permit for a new station on **1500 kc.,** 100 watts, 250 watts day, unlimited time.

MISCELLANEOUS

NEW—Miami Valley Broadcasting Corporation, Portable-Mobile in Montgomery County area (Dayton, Ohio).—Construction permit for new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** 18 watts, A-3 emission.

NEW—WJR, The Goodwill Station, Portable-Mobile, area of Detroit, Mich.—Construction permit for new portable-mobile relay broadcast station to be operated on frequencies **1646, 2090, 2190** and **2830 kc.,** power 250 watts, emission A-3.

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile, area of U. S.—Construction permit for a new television station (experimental) on frequencies Group C, **60000-86000 kc.,** and Group D, **156000-162000 kc.,** aural and visual power 50 watts, emission A-3 and A-5. Amended: To omit Group C, **60000-86000 kc.**

W2XVT—Allen B. DuMont Laboratories, Inc,, Passaic, N. J.—Construction permit television station, for change in equipment, and add frequencies **60000-86000 kc.,** increase in aural and visual power to 5 KW. Amended: To request frequencies **44000-50000, 78000-84000** and **102000-108000 kcs.** Request waver of Rule 43.13 (b).

NEW—Allen B. DuMont Laboratories, Inc., Manhattan, N. Y.—Construction permit for new television broadcast (experimental) station to be located at 515 Madison Ave., New York City on frequency **60000-86000 kc.** Aural and visual power 1 KW, emission A3 and A5. Amended: To request frequencies **78000-84000 kc.**

NEW—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Construction permit for a new television station at 14th and F Sts., N. W., Washington, D. C., on **42000-56000; 60000-86000 kc.,** aural and visual power 1 KW, A-3 and A-5 emission. Amended: To request frequencies **44000-50000 kc.**

NEW—William G. H. Finch, New York, N. Y.—License to utilize the equipment of W2XBF for high frequency broadcast station to be operated on **42260** and **43400 kc.,** 1 KW power, A-3 and special emission.

WBAC—New Jersey Broadcasting Corp., Portable-Mobile, area of N. Y. and N. J.—License to cover construction permit B1-PRY-139 for a new relay broadcast station.

WIEW—National Broadcasting Co., Inc., Mobile, area of N. Y.—Construction permit to install new transmitter and increase power from 20 to 25 watts.

WIEW—National Broadcasting Co., Inc., Mobile, area of N. Y.—License to cover above.

W2XBF—William G. H. Finch, New York, N. Y.—Modification of license to change class of station from experimental broadcast station to facsimile station and change frequency from **31600, 35600, 38600, 41000 kc.** to **43740 kc.**

NEW—San Mateo Junior College District, San Mateo, Calif.—Construction permit for a new non-commercial educational broadcast station in San Mateo, Calif., on **41060 kc.,** power 25 watts, A-3 emission, located at N. Delaware and Peninsular Ave., San Mateo, Calif. Amended: Equipment changes, increase in power from 25 to 100 watts.

NEW—The Louisville Times Co., N. E. of Eastwood, Ky.—Construction permit for a new facsimile station on **25700 kc.,** 500 watts power, unlimited time, A-3 and A-4 emission. Located 2-3/8 mile N. E. of Eastwood, Ky. Amended: To specify frequency **25250 kc.,** in lieu of **25700 kc.**

NEW—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—License for a new facsimile station (utilizing equipment of high frequency broadcast station W4XA-B3-PHB-62) on frequency **25250 kc.,** 1 KW power, A-4 emission, Nashville, Tenn.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Cotton Belt Mattress Company—Misleading representations in the sale of mattresses are alleged in a complaint issued against E. E. Phillips, trading as Cotton Belt Mattress Company, Pinetops, N. C.

Phillips, it is alleged, falsely represented the constituent fiber and material of his mattresses by advertising them variously as

"All Layer Felt," "100% Layer Felt—Staple Cotton," "Felt-Plated—Cleaned Cotton Motes," and "Felt-Plated—Washed Cotton."

It is alleged that these representations were false and misleading as the mattresses so advertised did not contain the materials as represented. (3781)

Charles of the Ritz Distributors, Corp.—See Charles of the Ritz, Inc.

Charles of the Ritz, Incorporated, and Charles of the Ritz Distributors Corporation, New York, dealers in cosmetics and toilet goods, have been served with an amended and supplemental complaint alleging violation of the Robinson-Patman and Federal Trade Commission Acts.

In alleged violation of Section 2 (e) of the Robinson-Patman Act, the respondent corporations are said to favor certain purchasers by furnishing them with the services of sales persons to demonstrate and sell the respondents' commodities, without similarly according the services of paid demonstrators to other competing purchasers on proportionally equal terms. (3017)

Federal Organization, Inc.—Misleading use of the word "Federal" in their advertising matter, implying that their products have been tested or approved by an agency or experimental laboratory of the United States Government, is alleged in a complaint against Federal Organization, Inc., 198 Broadway, New York, and its president, Samuel L. Presner, 4434 Post Ave., Miami, Fla.

In the sale of devices and of medicinal preparations containing drugs, for the treatment of genital and urinary disorders, the respondents are alleged to have used in their advertising matter the word "Federal" and the phrase "Federal Research Laboratories" in a manner representing that their products had been Government tested and approved, and the statement "Federal Organization, Inc., Successors to Federal Research Laboratories," to represent that they own, control or operate a laboratory equipped for experimental work.

The complaint alleges that in fact the respondents' products have not been tested or approved by any experimental or testing laboratory; that the name "Federal Research Laboratories" is merely a trade name adopted by them; that they do not own or control a laboratory equipped for experimental work, and that their products have never been tested by a United States Government agency or laboratory. (3782)

General Merchandise Company—See Schall Candy Company.

Hy-Test Cement Company, Fox Building, Philadelphia, distributor and seller of masonry cement, is charged in a complaint with misrepresentation in the circulation of a booklet purporting to be an official publication of the National Bureau of Standards of the Department of Commerce.

The complaint also involves violation of the rules and instructions of the Bureau of Standards forbidding distribution for advertising or promotional purposes by manufacturers of the results of tests of their products by the Bureau.

The complaint charges that the respondent has caused to be published and circulated a booklet entitled "Bricklaying To Avoid Leaks," which in fact is an altered reprint of an article written by an executive of the Bureau, in such a manner as to imply that it is an official report of the Bureau. (3779)

Income Record Publishing Co.—See United States Business Card Co.

New York Diesel Institution, Inc.—Misleading representation to the effect that they have jobs to offer instead of being engaged merely in the business of giving instruction, is charged in a complaint issued against New York Diesel Institution, Inc., and Henry M. Kramrath, John L. Snider, Everett K. Pangburn, Richard B. Cornell and Frank F. Hayward, individually and as officers of the corporation, all of 47 Rector St., Newark, N. J. (3785)

Primrose House, Inc.—A New York cosmetics manufacturer, Primrose House, Inc., has been served with an amended and supplemental complaint alleging violation of both the Robinson-Patman and Federal Trade Commission Acts.

It is alleged that in the sale of its products to retail dealers the respondent furnishes to some but not all of its purchasers the services and facilities of special demonstrators installed in the purchasers' places of business to display, demonstrate and sell cosmetics.

The amended complaint points out that personnel furnished to merchants by the respondent are able to stress the merits of the respondent's products as against competing preparations and that they depend solely for continuance in employment upon adequate sales of the respondent's products. It is alleged that buyers relying on the expert advice of the demonstrators are unaware that they are employed not by the merchants in whose stores they appear but by the respondent cosmetic company. (3039)

Schall Candy Company—Use of lottery methods in the sale to ultimate consumers of candy, cigarettes, radios, blankets, and other merchandise, is charged in complaints issued against Schall Candy Company, Clinton, Iowa, and David Kritzik, trading as General Merchandise Company, 843 North Third St., Milwaukee. The complaint against Schall Candy Company charges that assortments of candy manufactured and distributed by the respondent contained push cards to be used in the sale of the candy whereby purchasers may obtain larger or more pieces through the punching of certain concealed numbers.

The other complaint alleges that General Merchandise Company furnished punchboards by use of which purchasers of chances who punch lucky numbers may receive blankets. (3776-3780)

United States Business Card Company—Alleging misleading representations in the sale of stationery and business forms a complaint has been issued against United States Business Card Company, New York, United States Stationery Corporation, Elizabeth, N. J., and Lewis Weisman, trading as Income Record Publishing Company, Elizabeth, N. J. Weisman is president and treasurer of the two United States corporations.

On certain of their business forms and other printed matter the respondents are alleged to have placed the term "U. S. Approved" when in fact their products have not been approved by the United States Government or an agency thereof, and the United States Business Card Company is alleged to have distributed pamphlets and other literature containing the statement "World's Largest Manufacturers of Business Cards Exclusively," when this respondent is in fact not the world's largest manufacturer of such products exclusively. (3784)

United States Stationery Corp.—See United States Business Card Co.

STIPULATIONS

The Commission did not announce any stipulations during the past week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Anylite Electric Company, Fort Wayne, Ind., has been ordered to discontinue misleading representations in the sale of Theronoid, an electrical device labelled as being of value in treating diseases. The order directs the respondent to cease representing that Theronoid has any therapeutic, remedial or curative value and that its use will restore a person to normal health.

Conde-Nast Publications, Inc.—See New York Pattern Company, Inc.

Fee & Stemwedel, Inc., Chicago, has been ordered to discontinue misleading representations concerning the foreign origin of barometer movements used in weather-indicating instruments.

Findings are that the respondent assembled for sale four barometer models and one model of a combination thermometer, hygrometer and barometer, and that the barometer movements used in these instruments were imported and were marked "Made in Germany."

It was found that to the complete barometer mechanism the respondent added a dial and indicator which it placed in a case, usually made of bakelite, and that the phrase "Made in Germany" became no longer visible. On three of the barometer models the respondent marked on the dial: "Made in U. S. A. by Fee & Stemwedel, Inc., Chicago." On the combination instrument the respondent placed a plate reading: "Airguide Trio, Made in U. S. A. by Fee & Stemwedel, Inc., Chicago."

These practices were found to have a tendency to deceive buyers into believing that the barometers were made in the United States by the respondent. Many purchasers prefer American-made weather instruments.

The Commission's order directs the respondent to cease and desist from representing, by use of the term "Made in U. S. A." or any term of similar meaning or in any other manner, that its weather indicating instruments containing barometers are wholly of American manufacture, and from causing the brands or marks on imported barometer movements or other parts, which indicate foreign origin or manufacture, to be removed, erased or concealed so as to mislead or deceive ultimate purchasers with reference to such foreign origin or manufacture, unless the removal, erasure or concealment is necessary to the further manufacture or processing of the products sold. (3202)

General Sales Company—Orders to cease and desist from the distribution of pull and push cards and other lottery devices to be used in the sale of merchandise have been issued against two Chicago distributors, Harry Cutler, trading as General Sales Company, 231 South Wells St., and Al B. Wolf and Max Schwartz, trading as Paramount Products Company and Paramount Garment Company, 637 West Roosevelt Rd.

Findings of the Commission are that General Sales Company distributes electric razors, cameras, radios, and other merchandise, also supplying customers with the lottery devices and instructions by which the merchandise is distributed to ultimate consumers. (3568-3569)

Hollywood Pattern Company—See New York Pattern Company, Inc.

New York Pattern Company, Inc.—Imitation of counter display catalogs of a competing paper dress pattern company, and misrepresentation that it had purchased the business of the competitor, is forbidden in a cease and desist order against New York Pattern Company, Inc., and John Howie Wright, New York City.

The name "Hollywood" as a trade-mark designating paper dress patterns, was registered and granted in 1934 to the respondent company and to Conde-Nast Publications, Inc., publisher of "Vogue," a style magazine. Conde-Nast Publications manufactures and distributes a line of patterns to be sold at retail for 15 cents. To differentiate these from a higher priced line of Vogue patterns the Conde-Nast company incorporated the wholly owned subsidiary Hollywood Pattern Company. Both the respondent New York Pattern Company and the Hollywood Pattern Company distribute catalogs of "Hollywood" patterns.

Findings of the Commission are that the catalog of the respondent company simulates that distributed by the Hollywood Pattern Company with respect both to color, which varies from month to month, and a design of a five-pointed silver star superimposed on the basic color. It was also found that the respondent, through its agents, informs retail dealers in paper dress patterns that the patterns shown in its catalogs are the only Hollywood patterns on the market, and in some instances the agents have represented that the respondent corporation has purchased the business of the Hollywood Pattern Company. (3119)

Paramount Garment Company—See General Sales Company.

Paramount Products Company—See General Sales Company.

FTC CASE CLOSED

The Federal Trade Commission has closed its case against Hawaiian Distilleries, Ltd., Honolulu, Hawaii, which was charged with misuse of the word "Distilleries" in its corporate name, in violation of Section 5 of the Federal Trade Commission Act.

At the time the complaint was issued, the respondent corporation was engaged in rectifying, blending, bottling and wholesaling alcoholic beverages. However, it appears that the corporation now owns and operates a registered distillery.

The Commission closed the case without prejudice to its right to resume prosecution should future facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 20, May 19, 1939

Loucks Represents NAB at FCC Hearing on Rules

Philip G. Loucks, special counsel, will represent the NAB at the FCC hearing June 1 on exceptions to the proposed new rules and regulations for the broadcasting industry advanced by an FCC committee composed of Commissioners Case, Craven and Payne.

Mr. Loucks, who represented the NAB at the June 6 hearing last year on new rules and regulations, has filed the following exceptions to the committee's report:

The National Association of Broadcasters, participant in the proceedings had upon the above-styled matter, and in accordance with the order of the Commission entered therein on April 7, 1939, and as subsequently modified by its order of May 5, 1939, hereby excepts to the proposed rules and regulations and report of the Committee in the following particulars:

1. Exception is taken to Rule 31.04 (3) insofar as the rule proposes to prescribe the amount of money required to construct stations of different classes; insofar as the rule distinguishes or recognizes a distinction between stations supported by sponsored programs and stations otherwise supported; and insofar as it makes mandatory a showing that "adequate commercial support is available" for one class of stations and that "adequate finances are available" to support stations of another class.
2. Exception is taken to Rule 31.04 (4) insofar as it requires that an applicant for a Class IV station be "a resident in, and familiar with" the needs of the community to be served.
3. Exception is taken to Rule 31.12 (b) insofar as it prohibits commercial or sponsored programs or commercial announcements during additional hours utilized for experimentation and assumes to regulate charges for the use of facilities granted for experimental purposes.
4. Exception is taken to Rule 31.14 insofar as it limits the normal license period to a maximum of one year.
5. Exception is taken to Rule 32.04 insofar as it fails to furnish a definite guide as to what information on changes in equipment are required to be reported to the Commission.

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Committee Schedule

The following NAB committee meetings have been scheduled, President Miller announced today:

Research, May 25, Washington, Headquarters.
Accounting, June 1-2, New York, Ritz Tower.
Code, June 1-2, New York, Ritz Tower.
Copyright, June 5-6, New York, Ritz Tower.

SARNOFF PREDICTS DISCOVERY OF NEW FREQUENCIES IN NEAR FUTURE

Decries Censorship and Prefers NAB Self-Regulation to That of Government

Predicting that new technical developments may, in the relatively near future, multiply the number of "useful" radio channels a "hundred-fold or a thousand-fold," and foreseeing the day when a network can "carry not only broadcasting but also telegraphy, telephony, multiplex communications, facsimile, television, and the like, all on one network," David Sarnoff, president of RCA and Chairman of the Board of the National Broadcasting Company, returned to the stand for cross-examination in the Monopoly Hearings being conducted by the FCC, and pleaded that "present day limitations be not employed as to the standard for tomorrow's governmental regulation."

"I can foresee the possibilities of developing systems of inter-communications, both for sound broadcasting and for television, that will not depend upon wires at all —where you can carry these signals and these images by means of a radio line instead of a wire line.

"I believe that in five or ten years from now we will look back upon the radio structure of today, whether it will be in the broadcasting station or whether it be in the receiver in the home, and we will hardly be able to recognize the present day structure. I think the changes that are coming in the radio art will come with greater rapidity from here on than they even have come during the past decade because of the developments which are now reaching a point of ripeness and calling for expression in the field and in the markets," he declared.

Sharply questioned about the new Code of Program Standards which the National Association of Broadcasters is developing in readiness for adoption at the forthcoming July convention, Mr. Sarnoff stated that it was far better to permit self-regulation of program con-

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

LOUCKS REPRESENTS NAB AT FCC HEARING

(Continued from page 3481)

6. Exception is taken to Rule 32.05 (e) insofar as it prohibits the simultaneous use of a common antenna where two licensees are owned or controlled by the same person or corporation, or where two licensees have an agreement between them which is satisfactory to the Commission.

7. Exception is taken to Rule 32.06 (c) insofar as the first sentence fails to include the words "or are estimated in accordance with standards of good engineering practice to be capable of causing interference" in the place of the words "or capable of causing interference."

8. Exception is taken to Rule 33.04 A insofar as the proposed requirements would require 100 watt stations to reduce their present service areas.

9. Exception is taken to Rule 33.17 (4) insofar as the rule would require an unnecessary test during a week when the auxiliary transmitter has been in actual operation, and insofar as it unnecessarily restricts the hours for making tests.

10. Exception is taken to Rule 33.19 insofar as it unnecessarily imposes an extra burden upon the installation and use of auxiliary transmitters.

11. Exception is taken to Rule 34.20 (1) (a) because the language "with an indication of the type of announcement" is indefinite.

12. Exception is taken to Rule 34.20 (1) (b) insofar as it may conflict with Rule 34.23 with respect to the entries to be made describing recorded programs and insofar as patent ambiguities appear therein. For example, it is not clear whether the words "by whom presented" refer to the artist or artists; the network, if it be a network program; the advertising agency, if it be a production of such agency; or the recording company, if it be a recorded program; or by the foreign station, if it be a rebroadcast of a foreign program. The use of the abbreviation "etc." renders the regulation ambiguous if not invalid when read in conjunction with the penal provisions of the act.

13. Exception is taken to Rule 34.20 (2) (e) (4) since the measurements required cannot be properly or accurately made and would be virtually worthless even if it were possible to make such measurements.

14. Exception is taken to Rule 36.04 insofar as it requires every licensee to permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office.

15. Exception is taken to the failure of the Commission to adopt the recommendation of the Committee contained in its letter of April 1, 1939, transmitting its report, and suggesting that engineering questions involved in exceptions be handled informally by the Chief Engineer in collaboration with the engineers representing participants in the hearing. The Engineering Committee of the National Association of Broadcasters has given study to the Proposed Standards of Good Engineering Practice and is prepared to discuss certain improvements of these standards with engineers of the Commission. Particularly, it is desired to discuss certain detailed changes in standards appearing on pages identified as 1.1, 1.2, 1.3, 1.6, 1.9, 1.25, 1.27, 1.28, 2.2, 4.7, 5.2, 6.1, 7.2, 10.1, 12.6, and 19.1.

16. Exception is taken to each and every statement contained in Part I and Part II of the Report on Proposed Rules Governing Standard Boardcast Stations and Standards of Good Engineering Practice, and Appendices thereto, which are in conflict with the policy of the Congress as expressed in the Communications Act of 1934, as amended, or which are violative of the legislative standard contained therein by which the licensing authority of the Commission is limited or prescribed.

The National Association of Broadcasters saves unto itself all of the rights to which it is entitled by reason of the nature of the proceedings and its failure to except specifically to any rule, standard, conclusion, table, summary or recommendation does not constitute a waiver of any right or privilege which it or any other participant might have in the proceedings under the provisions of the Communications Act of 1934, as amended.

The National Association of Broadcasters herewith requests an opportunity to present oral argument before the Commission en banc on the above exceptions.

SARNOFF PREDICTS DISCOVERY OF NEW FREQUENCIES IN NEAR FUTURE

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tent to be administered by the industry itself than it would be to permit such program content to be regulated by government.

Pointing out the difference between the proposed NAB Code, written and administered by the industry itself, and a code written by government and enacted into law, Mr. Sarnoff asserted: "The difference is a voluntary act to which the citizen must adhere whether he likes it or not. And where you deal with programs, there is inherent in that the element of free speech and censorship. And therefore, any attempt to write into law a censorship code governing programs would to my mind change our present form of government."

Commissioner Frederick I. Thompson asked Mr. Sarnoff: "Is it your thought that free speech is to be controlled by a group of broadcasters controlling the air waves or free speech be subjected to some control by the Congress of the United States?"

Mr. Sarnoff replied "I have not recommended that free speech be controlled by any group. I have recommended that each licensee operating a broadcasting station be free to exercise his own judgment with respect to the matter of free speech. I further recommended that all broadcasting stations should endeavor to produce and adopt a voluntary code of conduct which would produce the maximum of free speech, the best kind of program service, but on a voluntary basis, not on a basis of regulation of programs by law."

Later in his testimony where reference was made to government control of broadcasting facilities in Russia, Germany and Italy, Mr. Sarnoff stated: "Now if you are going to compare the present system of American broadcasting, which is as free as the present law permits, with a new system which will have regulations imposed upon it by law, then it is the net result of that comparison that counts. And I submit with all sincerity and with all earnestness that the minute that you get the government writing codes governing programs and saying who may go on the air or who may not go on the air, that regardless of the best intentions in the world, regardless of the desire of the Commissioners and Congress to avoid censorship by the government, that you will then destroy the present American system of broadcasting, that you will have censorship galore, that you will have dictatorship of the means of communication and that you will shake the very foundations of our democracy."

In early sections of his testimony, under questioning by William J. Dempsey, general counsel of the Commission, Mr. Sarnoff defended the exclusive feature of network-affiliated station contracts, predicted the demoralization of network broadcasting if the exclusive feature were banned, stated that competition between four major networks had worked to the advantage of the listener and made his predictions that discoveries of new usable radio frequencies would change the whole complexion of the American system of broadcasting in a few years.

Because of the significant scope of Mr. Sarnoff's remarks, we list his testimony under the several categories into which it logically falls:

ON THE FUTURE OF NETWORKS

A. I am willing to speculate, if you want me to do so. I believe, for example, that the notion that the nation can only support four networks at the present time——

Q. I do not believe that there is any testimony to that effect, Mr. Sarnoff. Excuse me, for interrupting you. I think the testimony is that there can only be four networks because of the limited facilities available in the cities which must be on any national network.

A. But there are no limitations in other parts of the spectrum. I mean, not the same limitations. And there is no warrant for assuming, as I can see, that network operations must necessarily be within the present limited band of frequencies. Now, all the pressure comes from those who would like to move their vehicles within the narrow streak——

Q. What pressure is that that you are talking about?

A. Well, I may be wrong about it. I hope I am, but I suspect that there has been some pressure here against the idea of NBC having two networks, for example. I assume that there are others who have felt that if we had one that they might have the other. Now, I do not think that the network problem of this country is going to be solved by confining the art to the present narrow band of frequencies. I can see the day when there will be more networks possible, technically, than people to use them. There is no reason I can see why there can't be a dozen, or two dozen, or several dozen national networks, but in order to have them it is necessary to develop waves in the ether which may now be characterized as wasteland. And by permitting those who are functioning in the art at the present time to continue their development and their research and their experimentations, you will expand, rather than narrow, competition in the radio field.

ON NETWORK COMPETITION

Q. In what way would you say the competition between networks is not the same, is different from competition between grocery stores or department stores, or between, say, General Electric and R.C.A. Manufacturing Corporation?

A. I should define "competition" in the network broadcasting field as competition for the listeners' attention primarily, and competition for the advertising dollar. I think that the present situation, and the situation for some time, has given ample evidence of the very active and vigorous competition that goes on between these four networks for those competitive elements, that is, advertising dollar and listeners' attention. I think that the question of ownership of any particular network is not the element that determines for competition. If there are no listeners there are no advertising dollars, and if there is no service there are no listeners, and if two networks were given the same type of program, or the same program, simultaneously, obviously a large percentage of the listeners would be looking for a variety. And, further, the growth of these four networks is evidence of the competitive elements that exist.

ON THE EXCLUSIVE NETWORK CONTRACT

Q. Mr. Sarnoff, another limitation that exists today on a number of networks would appear to be in on the fact that the networks make exclusive contracts with stations. If you have a station with an exclusive contract with NBC, for example, that station can't take programs from any other national network, and, consequently, so far as that station is concerned, one network completely blocks all others. Now, what is your opinion with respect to the advisability of that kind of a limitation on the number of networks?

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A. My opinion with respect to that limitation is that it is in the interest of the listener, that it is in the interest of public, that it is the basis of the American system of network broadcasting. Destroy that provision, and you will have destroyed the American system of network broadcasting. There is no complaint that I know about, coming from the public, on the ground of that provision; there is no complaint that is coming, so far as I know, from the stations affiliated with the networks. There may be some individual instances, but by and large the testimony I have read has supported that provision. It has been supported by these independent broadcasting stations. Obviously, if a network spent money, as we are doing, to develop the popularity of an individual broadcasting station in some territory, if we gave them sustaining programs and they attracted a listening audience and they built up circulation, and then some other organization came along that did none of these things, but just had a commercial program, and asked that broadcasting station to take their program and put behind it the good-will and the circulation and the pioneering that had been done by whoever built that station up, of course, that somebody would have a temporary advantage, but American broadcasting would have a loss.

Q. To what extent, Mr. Sarnoff, do you think there would be any change in the present system of network broadcasting if the exclusive provisions were eliminated from contracts?

A. I think that there would be a great confusion, that there would be a demoralization of the whole system of network broadcasting, that it would be a grab as grab can and catch as catch can, every fellow would go out and try to make any kind of an arrangement, any kind of a commercial arrangement that he could, and I think that there would be no incentive on the part of the major networks to build up the position of their local stations.

Q. You think that that would be true even though the contracts contained a provision for a definite option on certain hours?

A. Yes, I think so, because if the hours were not of a kind that suited a local station there would be continuous irritation and pressure. You would transfer the local station from an institution—and by local station I mean the station affiliated with the network, the independent station. You would transfer it from an atmosphere of stability, where it is part of a network, knowing in advance what it may or may not do, or what it can or can not do, with respect to its time, to a free-for-all situation where it would continually be tempted by every network to take its particular program or to give an hour because it would increase its outlet or increase its income.

Q. Maybe I did not make the question quite clear.

Assuming that the contract did provide for a definite option on certain hours, but as to hours other than those option there was no restriction as to other network affiliation. Do you think that type of contract would be difficult to make?

A. I think that type of contract would upset the present system of network broadcasting, because, in the first place, a local station affiliated with a network at the present time takes on something of the character of that network; the network feels a certain sense of responsibility to that station and the station, in turn, to the network, for the character of its programs. Whereas, if that local station were free to connect with any network that it wished to connect with and take any kind of programs that it wished to take, I think the atmosphere would change and the network, itself, would suffer, as well as the local station, from the net results of that station.

ON REQUIRING A STATION TO CARRY FIXED NUMBER OF SUSTAINERS

Q. Mr. Sarnoff, do you think it would be desirable for the network to include in its relation with affiliated stations any obligation on the part of the station to carry sustaining programs or a certain number of sustaining programs in the same way that it is required to carry commercial programs?

A. Well, while it might be helpful to the network, I should not recommend it. I think that that takes on the element of compulsion.

Q. I am not quite clear as to what the difference in compulsion would be if it were just the same way as it now operates with respect to commercial programs?

A. Well, the element of compulsion would reside in the fact that under such a provision the local station would be compelled to take that program, whereas, today it is free to reject it.

Q. But to that extent there is compulsion to take commercial programs?

A. Well, a commercial program is a matter of contract for specified time. You have the right to sell that station's facilities for a given period of time, and to the extent that the station has pledged its time under that contract, of course, to that extent it is compelled to take that program, yes.

ON THE LIMITATIONS OF THE STANDARD BAND

A. And so, within this limitation of the band, I think that broadcasting, as we know it today, has reached about the limit of its technical capacity. I do not mean that there will not be refinements and improvements, but I think the art in its present space has reached, more or less, saturation; and yet I believe that radio, itself, the radio art, itself, is a long, long way from saturation; in fact, that it is still in its infancy. Waves that were once thought useless are daily becoming more and more valuable.

The problems faced by this Commission, the problems faced by the Government, and the problems faced by the industry, after all is said and done, can be summarized in one word: "technology" or "science".

Commissioner Thompson: Well, you speak in terms of networks—you spoke, possibly using the work "network". Would you believe that such a power should be vested in one individual or one small group of individuals in such a situation?

The Witness: I am not pleading for or suggesting a monopoly, but what I am trying to say, Mr. Commissioner, is that I can envision, and do envision, the day when radio development will make it just as possible for anybody to get into the radio transmission business as the press situation today makes it possible for anybody to get into the publication of a newspaper, and under those conditions my conclusion, which I urge, is that there is and there would be no more warrant for regulating radio than there is for regulating the press.

ON FUTURE TECHNICAL DEVELOPMENT

Based on my experience in the past, based on my observations of what is going on in the art, or my contacts with our scientists or engineers, I have no hesitation in saying to you that in my opinion the number of channels for radio communication which it is possible to develop into useful channels are many, many times the number that now exist. In fact, they may be a hundred-fold or a thousand-fold. We now speak not in terms of long waves or short waves, we refer to ultra-short waves, to centimeter waves, to micrometer waves, to millimeter waves, and we talk of modulating these waves through frequency modulation, through amplitude modulation, through phase modulation, or a combination of these elements——

Commissioner Brown: Are you speaking of broadcasting or radio services as a whole?

The Witness: I am speaking of all phases of radio, including broadcasting, Mr. Commissioner. I can foresee a network which can carry not only broadcasting but also telegraphy, telephony, multiplex communications, facsimile, television, and the like, all on one network. I can see the possibilities of developing systems of inter-communication, both for sound broadcasting and for television, that will not depend upon wires at all, where you can carry these signals and these images by means of a radio line instead of a wire line—the reason of coaxial cables—by utilizing radio relays.

When these developments are perfected, as I believed they will be, in time, given those three attributes that I referred to at the beginning, you will have more facilities available for use than there will be people to use them.

And so it is important, it seems to me, that, in any appraisal of the problems of radio, that present-day limitations be not employed as to the standard for tomorrow's Governmental regulations. The worst possible thing that could happen would be to put radio technique in a legislative straight jacket, because if that were done there would be a complete negation of the purposes of the Radio Act which in the very preamble refers to the development of radio to its maximum capabilities. I may not be using the exact language, but I am referring, I am sure, to the sense of that language.

ON PROGRAM QUALITY AS BASIS FOR LICENSE REVOCATION

Q. Would you say that the element of quality enters into that all?

A. The quality of the programs?

Q. Yes.

A. Why, of course, I should say that the element of the quality of the program is the element that determines the popularity of the station and the number of listeners that it has.

Q. Well, were the station licensed to broadcast and it broadcast programs of inferior quality, and did not give entertainment, information, education, and so on as you have listed them, do you think that its license should be revoked?

A. Well, I would have to reach an agreement with you first as to what you regard inferior quality before I could answer that question.

Q. You define it.

A. Well, I would leave the quality of the programs to the listeners to determine; I would not leave the quality of the program to be determined by a regulatory body excepting only those elements of a program which are properly outlawed, obscene language, libel, and all those kinds of things. You could not get agreement, Mr. Dempsey, on the quality of an orchestra. There are people today who would regard one orchestra as inferior to another one, but nevertheless they both give music.

Q. And you think that the listeners should really determine the quality of the programs?

A. I think that the listeners are the people who determine the quality of the programs, and they are more vocal in the radio broadcasting field than in any other comparable field, by the letters they send, by the protests they register, by the commendations they offer. Radio, after all, operates with the privacy of a goldfish in a bowl. Nobody can put a program on the air without exposing it to public attention. There is, therefore, the listener as a leveling influence, and then there is the commercial advertiser upon whose revenue the station depends because as the station loses listeners the advertiser will not patronize the station. So you have both the listener and the advertiser operating as natural incentives to maintaining the best program they can.

Q. Do you think that the Commission would be justified, for example, if they had an accurate poll of the listeners in the area supposedly served by a particular station and they, by an overwhelming majority, indicated that that station was not rendering a satisfactory service, under those circumstances do you think the Commission would be justified in revoking the license?

A. No, I do not. In the first place, I think that the taste of the majority varies from day to day and from year to year. I think that if you would look over the programs of the last ten years that you would find, from their range, that what were popular ones are in the dog-house today, and vice versa. Also, I speak with no intended criticism but with very earnest apprehension towards a situation which would deposit in the hands of any Governmental agency the power to cancel or withdraw licenses from a station based on its programs. All you have to do is to look abroad to see the results of that. Now, it may be true, here and there, in isolated instances, there may be abuse of present privileges, there may be an inadequacy of service, but, after all, one has to approach the thing from the standpoint of the national service and from its overall picture.

ON LICENSING OF NETWORK BY THE FCC

Commissioner Thompson: We could presuppose that attention can be given to many problems under the Federal Communications

Act that do not properly or necessarily arise from any complaint or claim. I would assume that the Commissioners should give some consideration to certain basic mandates in the statutory regulation of radio. On that point, do you think that the networks should themselves be brought under control of the Commission as well as the individual licensees?

The Witness: No, I do not.

Commissioner Thompson: Well, here is a case at point: A station, a licensee, is cited for something that he carried on a network chain. In a situation such as that, would you regard the licensee as the party that should be cited? If a licensee makes an assignment of time, and within that assignment of time there may be some violation important enough for the Commission to cite the licensee, is he the real one that should be cited if the issue on which he is cited originates elsewhere and is carried on that station during the time that he has assigned? What would you suggest there to meet a situation such as that?

The Witness: Well, I should think that if a man takes out a license and fails to conform with the provisions of the license to an extent where the Commission feels that he has violated that license that he, the licensee, is the fellow to deal with. Now, if he has any recourse against the network, why, that is for him to do. My objection, Mr. Commissioner, to licensing networks is not based on any individual case of violations, it is based on the philosophy of it, because I think that control of networks, per se, giving the Government the right to license networks as distinguished from licensing the station facilities that carry the frequency, would be the first and the most serious entrance into the whole field of Government censorship of programs.

ON SELF-REGULATION AND THE PROPOSED NAB CODE

Q. It would have at least one primary effect, and that is in the competition between stations which conform to certain standards and others which do not would be put on a more even plane, would it not?

A. I think it would be on a more reasonable basis as regards fundamental standards. There still would be left a wide area of competition.

Q. I am not suggesting that competition would be eliminated, but at least it would be competition on the same plane rather than on different levels?

A. As to basic standards, for example, if one station accepts patent medicine accounts and another station refuses to accept patent medicine accounts I don't really regard that as competition between the two stations. It is just a matter of policy. Now if both stations will agree to decline to accept patent medicine accounts, why I think that the sum total of the broadcasting service will be improved thereby.

I merely happen to mention patent medicine. I don't want to emphasize that as against any other.

But there is doubtless a code of basic principles that could be developed for the guidance of the industry as a whole and to which no reasonable station owner or listener could take proper exception to.

Q. Do you think that the adoption of such a code of standards would be beneficial from the financial standpoint to the stations which are now adhering to substantially that code?

A. Yes, I think it would. I think it would be beneficial to the stations that adhere to such a code because anything that stabilizes radio and maintains the good opinion of the public about radio service is good business, as well as good ethics for the stations that are rendering service.

Q. And the stations which now have high standards, or the National Broadcasting Company which I understand operates on standards which you are suggesting be more widely adopted feels that in adopting those standards it is operated from a more intelligent business viewpoint than if it did not have the standards.

A. We feel that way, although at any one moment we may have to make sacrifices for the good of the whole or for the good of the long future. And doubtless some stations who would conform to whatever code the NAB finally may develop would have to abandon certain practices they now engage in, and while temporarily they might suffer something in financial revenue in the long run I am sure they would be better off, because anything that would stabilize the industry would be better for them.

Q. Well even now there isn't any set of standards applicable to all station or which are applied by all stations. Do you think the stations that have the higher standards are operated to that extent at least as better business propositions than the others?

A. Yes, I do.

Commissioner Brown: Mr. Sarnoff, is this proposal an effort to bring up to date the NAB Code adopted in 1935?

The Witness: It is an effort to do that and to expand upon it in the light of the discussions which have been had and in response to the suggestions which I made before this Commission.

Commissioner Brown: Well don't you think that if all the stations licensed by this Commission had lived up to the Code adopted in 1935 there may have been no necessity for an additional code?

The Witness: That is probably true. It is doubtless true to the extent that stations have departed from the code that was in existence or that was adopted some years ago, to that extent there has been room for revision, and I assume there always will be because a few years' additional experience have also brought to light the need for some additional standards.

Commissioner Brown: There are somewhat over 700 stations licensed by the Commission at the present time. If a revised or what might be termed a 1939 or 1940 model of the Code should be adopted, what revisions would you suggest to make all stations comply with the new model of the Code?

The Witness: Well, I have not suggested, Mr. Commissioner, in my original statement any element of compulsion. I have suggested persuasion, suggestion, education, and all these elements which indicate to a person why the right thing should be done. I recognize, of course, that that may fall short of producing a 100 per cent result, but I think it is a better way to proceed.

By Mr. Dempsey:

Q. Mr. Sarnoff, what I am trying to get at by these questions is this: Since this is a code which you are proposing or recommending to be adopted by the industry as an industry, is its object the better business in the industry, the increase in profits to the various units in the industry? In other words, is it a business proposition in the industry, that you are recommending, or is it intended to promote public service not as an adjunct to more profit but something distinguished from the making of profits?

A. Well, I should like to answer your question by saying that I regard any effort to improve public service as good business and ultimately translatable into profits for the industry. Obviously if a wider public service is rendered, a higher standard is maintained, there will be more listeners and more satisfied listeners and those in turn will stimulate the clients to advertise more and to advertise more consistently. So that I do not think that improvement of service or improvement of standards are necessarily in conflict with better business. Instead of regarding them mutually exclusive I should regard them as supplementary.

Q. Mr. Sarnoff, do you say, or would you say that the primary purpose of this code is the benefit of the industry in terms of profit, mutual benefit of the units of the industry, which I understand is the purpose of most trade associations.

A. I would say that the primary purpose of this code is threefold, but I do not regard any one of these three elements as in conflict with the other two or with each other. First, I should say that the púrpose was to have a higher grade of public service or as high as can consistently be developed. Secondly, I would say that by adopting a code of self regulation in the industry one would minimize the possibilities of the government imposing codes upon the industry, which ultimately would lead to censorship regardless of what the original objective might be.

In other words good behavior on the part of a citizen requires less operation on the part of the policeman.

The third objective is that any code which would improve the standards of broadcasting, satisfy more listeners, and eliminate the need for restrictive regulation would give the industry as a whole direct financial benefit, so that it would be both profitable and stabilizing.

Q. Is it your opinion, Mr. Sarnoff, that the possibility of censorship, which as I understand your view is inherent in regulation of programs, is such a danger that the industry should adopt self regulation to prevent regulation by government?

A. I think that is one of the reasons. The danger comes from anybody desiring the government to censor programs. It comes from pressure groups, from complaints and the like. Now to the extent that those complaints, particularly justifiable complaints can be reduced by a code of proper standards or by better programs, to that extent you eliminate the dangers and the hazards of censorship.

Q. Is there any censorship inherent in your scheme of self regulation?

A. No, there is no censorship inherent for two reasons. First, it would be a voluntary act on the part of the industry and the stations who would cooperate in the development of that code and to which they would voluntarily subscribe, and secondly I have not recommended a compulsion in it. I have recommended a system of education.

Q. And do you know to what extent in the formulation of this Code this committee has attempted to get the views of groups representative of public opinion?

A. I do not know.

Q. Now the Code, as I gather from your schedule which you read, deals primarily with programs. Is that correct?

A. Yes.

Q. Entirely with programs?

A. Yes.

Q. Now why do you think it is necessary for the industry to adopt any set of regulation internal or external with respect to programs?

A. So as to put the programs on the possible highest level of good public service.

Q. Do you think in order to bring that about some sort of joint action of all the licensees is necessary?

A. I think it is highly desirable.

SECTION 317

The FCC sent a notice to all licensees of broadcast stations calling their attention to Section 317 of the Communications Act of 1934.

Section 317 reads as follows: "All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person."

The Commission's notice, which follows reports of violation of the rule, warned the licensees that, "The Commission insists upon, and expects, full compliance at all times with the above quoted provision of law."

Headquarters is investigating the matter at the Commission.

Wage and Hour Act

At long last the Wage and Hour Administration has issued an interpretation of its views on hours worked in connection with traveling.

This is of great importance to the broadcasting industry in connection with traveling assignments for announcers and technicians. In general the interpretation follows the rule of common sense suggested by the NAB when the problem first arose.

If traveling time is "part of the day's work" it should be calculated as such in computing hours. For instance, if an announcer goes to a nearby town to work at a football game and returns the same night, his hours would be figured from the time he leaves till the time he returns. If, on the other hand, he leaves Monday morning from Boston to announce a game from San Francisco, he should be credited with the number of hours he usually works each day from the time he leaves Boston until he returns. In this case he should be paid time and one-half for the two extra days he worked each week while he was away. To bring it even further down to earth, the Administrator does not intend that employees on out of town assignments should be paid overtime for sitting around a hotel lobby or for sleeping in a pullman berth.

Another interpretation eliminates the necessity for paying transmitter watchmen-caretakers overtime because they are "on duty" more than 44 hours a week.

"The fact that the employee makes his home at his employers place of business in these cases does not mean that the employee is necessarily working 24 hours a day", the Administrator said. "In the ordinary course of events the employee has a normal night's sleep, has ample time in which to eat his meals and has a certain amount of time for relaxation and entirely private pursuits. In some cases the employee may be free to come and go during certain periods Thus, here again the facts may justify the conclusion that the employee is not working at all times during which he is subject to call in the event of an emergency, and a reasonable computation of working hours in this situation will be accepted."

The NAB Labor Relations Department, in the light of these interpretations, will be glad to assist members in their individual wage and hour problems

HEADQUARTERS ACTIVITIES

Neville Miller, president, will deliver an address before the annual convention of the Radio Manufacturers Association, June 13, at the Hotel Stevens, Chicago

Andrew W Bennett, Counsel, is representing Headquarters at the District 2 Meeting being held in Schenectady, New York, today.

Paul Peter, Director of Research, represented the NAB at the American Association of Advertising Agencies' convention in New York last week.

Edwin M. Spence, Secretary-treasurer, reports advance reservations have reached a point where a record attendance may be predicted at Atlantic City for the annual NAB Convention, July 10-13.

Joseph L. Miller, Director of Labor Relations, has been in the mid-west for a series of labor conferences with member stations.

Ed Kirby, Director of Public Relations, will deliver a talk at the National Council of Women, meeting in New York on May 24. He has been requested to speak on an assigned topic "Who is Responsible for the Building of Radio Programs?"

SWEENEY ASSAILS FCC ON SUPER-POWER STAND

Representative Sweeney (D-Ohio) assailed the FCC this week for deciding against "superpower" for broadcasting stations, in a statement inserted in the Congressional Record Appendix (p. 7930, May 16).

Mr. Sweeney asserted:

> "It boils down to the fact that the networks have brought such a tremendous amount of pressure to bear upon the Commission against the use of superpower that the Commission has been blinded to the need of this type of transmission and has decided, as I said, against the weight of evidence, to protect the monopoly now enjoyed by the National and Columbia Broadcasting Systems, condemning the rural listener to a fate on a par with the peasants of Communistic Russia."

FREE OFFERS

Phil Keenan, enterprising Sales Manager for Bernarr Macfadden Publications, again is trying to chisel some free advertising for those publications. Mr. Keenan says he has available the following shows:

Inside Stuff from Hollywood
Behind the Microphone
Photoplay Fashion Highlights
Personal Problem Clinic
True Detective Mysteries
This Is My True Story

Mr. Keenan furnishes the script and promises the cooperation of his sales representatives "to help build a listening audience for his shows". He doesn't care whether the broadcaster sells the shows to a sponsor.

All he asks is "a reasonable credit line at the opening and closing of each show." Mr. Keenan has it all figured out: it is cheaper to prepare these scripts and to give the cooperation of his sales representatives than it is to buy time on the air to advertise Macfadden publications.

As long as broadcasters use these programs, Macfadden is not going to make any drastic increase in his radio advertising budget. If every broadcaster in the country would refuse to accept this offer, there would be at least a possibility that Macfadden would buy considerably more time than he does at present.

The NAB is of the opinion that use of the Macfadden scripts on a sustaining basis constitutes violation of the Code of Ethics and that use on any basis other than sponsorship by Macfadden destroys revenue possibilities.

The NAB has reminded the Northwestern Radio-Television Institute, Inc., Minneapolis, that acceptance of its cost-per-inquiry proposition would constitute violation of the NAB Code.

Street & Smith, detective magazine publishers, are offering programs similar to Macfadden's and the NAB feels the same way about both.

WLW SIGNS WITH AFRA

Station WLW has signed a contract with the American Federation of Radio Artists covering announcers, actors, singers, and newsmen. It is understood that it provides $50.00 a week minimum for announcers with extra pay for all commercials. The scale for singers and actors on commercial shows is reported to be approximately 20% under the network-agency scale for New York-Chicago-Hollywood.

AFRA is now negotiating with WCKY, Cincinnati, and KMOX, St. Louis, seeking similar terms.

772 STATIONS

During the month of April the FCC issued operating licenses to two new stations and granted permits for the construction of five new stations. Construction permits previously issued for two stations were canceled. A comparative table by months is given below:

	Jan. 1	*Feb. 1*	*Mar. 1*	*Apr. 1*	*May 1*
Operating stations	722	727	729	732	734
Construction permits	42	39	37	37	38
Total	764	766	766	769	772

CRAVEN PRAISES AMERICAN SYSTEM OF BROADCASTERS

Federal Communications Commissioner T.A.M.Craven, talking Wednesday night at the Columbia University, said: "I am convinced that the American system of broadcasting, operated in accord with the broad policies now prescribed by Congress, has proved to be the best method of applying this modern invention of radio to the service of the people of the United States. I recognize, however, that the method by which broadcasting is regulated can change completely its aspect as a service to the public. Therefore, I believe that among the best methods to safeguard the American system of broadcasting is, in so far as is practicable, to encourage and require full and free competition. I am of the opinion that the attainment of this objective requires a faithful adherence to the diversification doctrine of licensing stations in any community or region as well as in the nation as a whole, and also the licensing of an adequate number of stations to insure active competition, not only in business but also in service to the public."

Dealing with censorship, Commissioner Craven said:

"It has been suggested that the Commission should adopt rules governing program service which could serve as a guide to licensees. I consider this suggestion to be impracticable because it has the danger of requiring the Commission to exercise a regimented control of program service which would result in the imposition of its judgment upon the American people. The Commission might more properly be concerned with the question whether the program service of an individual station or the standards of program service of an industry conform to public opinion, tastes and demands. However, in view of the foregoing inherent danger as well as the specific prohibition against censorship, I am of the opinion that the Commission should not adopt any rule specifically prescribing contents of program service."

FIFTH DISTRICT MEETING

With a multitude of copyright and legislative problems—both national and state—facing the industry, the Fifth District of NAB, comprising Georgia, Alabama, and Florida, assembled in their first annual meeting at Ponte Vedra Beach at ten o'clock on Sunday, May 14th, with the largest attendance ever recorded at a Southeastern Group meeting.

The afternoon of the first day was given over to Group meetings of the state organizations and the Sales Manager Groups from the Fifth District.

The Georgia delegation endorsed the reorganization of the Georgia broadcasters as a chartered association, and the Florida group held its meeting Sunday afternoon.

Various discussions among the Florida Group included the report of its legislative committee, with Gilbert Freeman, Chairman, outlining the developments on the four bills pertaining to the broadcasting industry before the Legislature in session at Tallahassee, Florida. These bills relate to civil liability of radio stations, musical copyrights, and phonograph records. Mr. Freeman stated that all bills had been reported out of committee and that he hoped they would be passed at the present session of the Legislature.

New officers of the Florida Association of Broadcasters were elected as follows:

Frank King—WMBR—President
Gilbert Freeman—WTAL—First Vice-President
Harold Danforth—WDBO—Second Vice-President
Spencer Mitchell—WDAE—Secretary & Treasurer

The Board of Directors comprising the officers and the addition of three other members, consisting of the retiring President, Walter Tison, of WFLA; Fred Borton, of WQAM; and Henry Wells, of WCOA.

Monday's meeting was highlighted by the address of Claude Mills of ASCAP, who addressed the convention for two hours and fifteen minutes, at the conclusion of which the question of ASCAP copyright was thrown open for discussion and Mr. Mills endeavored to answer questions from the floor.

The afternoon meeting was highlighted by an address by NAB President, Neville Miller. At the conclusion of his address an open forum developed on the various copyright and legislative problems. President Miller was followed by Andrew W. Bennett, NAB Counsel, with his analysis of the copyright situation.

Walter Tison, NAB Director for the Fifth District, was returned for another year.

The official registrants at the convention were as follows:

Representation	Station
Fritz Myers	WLAK
Fred Borton	WQAM
Fred Mizer	
Reginald Martin	WJNO
Wright Esch	WMFJ
Bob Tigert	WFOY
Harold Danforth	WDBO
Spencer Mitchell	WDAE
Harold Meyer	WSUN
Henry Wells	WCOA
Gilbert Freeman	WTAL
T. C. Imeson	WJAX
Jack Hopkins	
Glenn Marshall, Jr.	WMBR
Frank M. King	
Bill Knight	WSAV
Senator Jack Williams	WAYX
H. Wimpy	WPAX
J. W. Woodruff, Jr.	WRBL
Maurice Coleman	WATL
Lambdin Kay	WSB
W. H. Summerville	WGST
Greene Adair	
Jess Swicegood	WAGA
Major Mitchell	WRGA
John W. Quarles	
Jimmy Selby	
R. L. Starr	
W. R. Rinsgon	WRDW
Edward K. Cargill	WMAZ
Red Cross	
J. C. Bell	WBRC

COMING EVENTS—JUNE

June 3	—Confederate Memorial Day (Louisiana, Tennessee)
June 8-11	—King and Queen of England will be in the United States
June 9	—John Howard Payne, author "Home, Sweet Home" born 1791
June 10	—National Flower Shut-in Day
June 11	—Children's Day celebrated in churches
June 14	—Flag Day
June 15	—Franklin's kite experiment, 1752
June 17	—Children's Day (for commercial purposes)
June 18	—Father's Day
June 26-July 1	—National Swim for Health Week

All through the month:
The NAB-RMH Campaign
Theme *"Listen While You Play!"*

RADIO REPORTERS ELECT

Fulton Lewis, Jr., MBS reporter, was elected president of the newly organized Radio Correspondents Association on May 11 following Congress' decision to set aside special galleries for radio reporters.

Other officers: Albert L. Warner, CBS, vice-president; William McAndrews, NBC, secretary, and Frank Morrison, Transradio News, treasurer.

Radio reporters now are admitted to White House press conferences, from which they were barred before Mr. Lewis, assisted by the NAB and the networks, won the congressional privileges.

STATE LEGISLATION

California:

A. 913 (Williamson) PUBLIC WORK—WAGE RATES—Relating to wage rates on public work. Referred to Labor Committee.

A. 2004 (Thurman) ADVERTISING—Adding a new section to the Civil Code regarding the use of name, portrait or picture of any living person. Passed by both houses. Sent to Governor 5-8-39.

FLORIDA:

H. 122 (Clements, et al) Same as S. 65. OPTOMETRY—Define and regulate and practice of optometry. Referred to Public Health Committee.

H. 1400 (Inman) AMUSEMENT TAX—Amending section 23, Chapter 18011 of the 1937 Act, imposing certain license taxes and providing for the collection thereof, providing that the tax shall be lien on property under certain circumstances, and providing for an additional license tax on dance halls where music is furnished by one or more musicians. Referred to Public Amusement Committee.

S. 65 (Kelley) Same as H. 122. OPTOMETRY—Defines and regulates the practice of optometry and declares same a profession; providing for Board of Examiners and Duties. Referred to Public Health Committee.

S. 527 (Murphy) MECHANICAL MUSICAL INSTRUMENTS—LIQUOR SALES PLACES—Prohibiting the use of mechanical musical instruments in any place outside of any incorporated city or town, where intoxicating liquor is sold.

S. 551 (Beacham) HIGHWAY DISTRIBUTION OF ADVERTISING—Prohibiting distribution of advertising information in public street or highway to any vehicle or occupant thereof. Referred to Judiciary B Committee.

PENNSYLVANIA:

H. 1130 (Brunner) INSURANCE ADVERTISING—Amending section two (Pamphlet Laws nine hundred eighty-one), prohibiting the publication, printing or radio broadcasting of advertisements or notices of insurance companies, associations, exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the insurance department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties by permitting the use of copies of certificates. Passed by House 5-2.

S. 825 (McGinnis) OIL INVESTIGATION COMMISSION—Creating an Oil Investigation and Control Commission for investigation and regulation of the oil industry and persons engaged in production, refining and distribution of oils and gasoline. Referred to Judiciary General Committee.

S. 928 (Tallman) THEATRICAL AGENCIES—Licensing business of theatrical agencies obtaining employment; providing for registration, bonding and regulation of certain individuals and entities engaged in such business; placing regulation under Secretary of Labor and Industry; providing penalties. Referred to Labor and Industry Committee.

S. 931 (Eral) POLICE RADIO EQUIPMENT—Amending Section 251 of Pamphlet Laws 1278 to authorize the district attorneys in counties of the fourth and fifth classes to purchase and maintain police radio equipment. Referred to Judiciary General Committee.

RHODE ISLAND:

H. 803 (McLeod) OPTOMETRY—Defining and regulating the practice of optometry and repealing Chapter 161 of the general laws. Referred to Judiciary Committee.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission has announced its Proposed Findings of Fact and Conclusions in which it proposes to grant the application of Station WSNJ, **Bridgeton, New Jersey,** for authority to install a new transmitter and increase its facilities to operate with 100 watts night, 250 watts LS, unlimited time. The station now operates on **1210 kilocycles,** with 100 watts, daytime only.

The Commission's Proposed Conclusions stated that there is need for additional service in the area proposed to be served and that the operation of the station as proposed will not cause objectionable interference to any existing station.

Chairman McNinch did not participate in this case.

The application of Powell and Platz, Assignor of Station KGGF, and Hugh J. Powell, Assignee, for voluntary assignment of the station license to Hugh J. Powell is proposed by the Commission in a Proposed Findings of Fact. The station operates on **1010 kilocycles,** 1000 watts day and night, specified hours.

The Commission found that the Assignee is in all ways qualified to continue the operation of the station. He already owns, the Commission stated, an undivided two-thirds interest and has been operating manager of the station for the past eight years.

Chairman McNinch did not participate in this case.

In a Proposed Findings of Fact, the Commission proposed to grant the application of the M. & M. Broadcasting Company for a construction permit to erect a new station at **Marinette, Wisconsin,** to use **570 kilocycles,** 250 watts, daytime only.

It was stated by the Commission in its Proposed Findings that a public need exists for the service proposed by the applicant. The Commission found also that there is sufficient economic support and talent for program material available for the operation proposed.

DECISIONS OF COMMISSION

The Federal Communications Commission, this week, denied the application of the Alabama Polytechnic Institute for the voluntary assignment of the license of Station WAPI, **Birmingham, Alabama,** to the Voice of Alabama, Inc. The Commission held that the transfer of the license from the present licensee of the station "will not be in the public interest."

Chairman McNinch did not participate in this decision.

The application of F. W. Meyer for a construction permit for a new station at **Denver, Colorado,** has been denied by the Commission. The Meyer application asked to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The Commission stated in its opinion that the applicant "has not sustained the burden placed upon him by showing that the existing stations in the city are not adequately supplying the local needs of the community as to program service, and that the proposed station would fill said need." The Commission found that the granting of the application would not serve public interest.

Chairman McNinch did not participate in this decision.

The following notice was sent by the FCC to all interested parties on standards of good engineering practice concerning standard broadcast stations:

In accordance with the memorandum to the Commission from the Committee on Proposed Rules governing Standard Broadcast Stations and Standards of Good Engineering Practice, dated April 1, 1939, beginning at 9:30 a. m., June 5, 1939, at the offices of the Commission in Washington, D. C., an informal engineering conference will be held on the proposed standards of good engineering practice.

At this conference, engineering questions involved in the exceptions filed relative to the proposed rules and suggested changes in the proposed standards will be discussed.

All interested parties are invited to attend this conference and it is requested that all parties planning to attend so advise the Chief Engineer of the Commission not later than May 28, 1939.

Any parties who are not able to attend, but desire to offer suggestions, may do so by letter which will be given due consideration in preparing the final draft of the "Standards of Good Engineering Practice."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 22. They are subject to change.

Tuesday, May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.; Proposed Studio, Kansas City, Mo., Proposed Transmitter, Kansas City, Kans.—C. P., **1220 kc.**, 1 KW, 5 KW LS, shares KFKU (DA for day and night). Present assignment: **1220 kc.**, 1 KW, 5 KW LS, shares KFKU.

Wednesday, May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

Thursday, May 25

Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., **620 kc.**, 1 KW, unlimited time (DA night).

NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., **1500 kc.**, 100 watts, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., **620 kc.**, 1 KW, unlimited time (DA night). Present assignment: **620 kc.**, 250 watts, daytime.

NEW—M. L. Medley, Cookeville, Tenn.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

June 9

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

June 12

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 kc.**, 100 watts, unlimited time. Present assignment: **1370 kc.**, 100 watts, daytime.

June 15

Further Hearing

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

June 26

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P. to install new antenna and move transmitter and studio locally; **1290 kc.**, 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

June 30

KALE—KALE, Incorporated, Portland, Ore.—C. P., **1300 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **1300 kc.**, 1 KW, unlimited time.

July 10

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., **1230 kc.**, 250 watts, unlimited time.

July 11

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modification of license, **1210 kc.**, 100 watts, unlimited time. Present assignment: **1210 kc.**, 100 watts, daytime.

July 12

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **570 kc.**, 1 KW, unlimited time (DA night and day). Present assignment: **1500 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WWL—Loyola University, New Orleans, La.—Granted modification of special experimental authority to operate with 50 KW power, unlimited time, for the period ending August 1, 1939.

WGRM—P. K. Ewing, Grenada, Miss.—Granted C. P. to move station from Grenada to Greenwood, Miss., subject to compliance of Rules 131, 132 and 139.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted C. P. to make changes in composite equipment and increase in day power from 100 watts to 250 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending December 1, 1939:

WFAS, White Plains, N. Y.; KVSO, Ardmore, Okla.; KDON, Monterey, Calif.; KFPW, Fort Smith, Ark.; KFXJ, Grand Junction, Colo.; KOOS, Marshfield, Ore.; KPMC, Bakersfield, Calif.; KSUN, Lowell, Ariz.; WAYX, Waycross, Ga.; WCAX, Burlington, Vt.; WCOU, Lewiston, Me.; WFTC, Kinston, N. C.; WGCM, Gulfport, Miss.; WKBO, Harrisburg, Pa.; WPAX, Thomasville, Ga.; WTHP, Hartford, Conn.; WWAE, Hammond, Ind.; KITE, Kansas City, Mo.; KTUL, Garden City, Kans.; KOCA, Kilgore, Tex.; WJHL, Johnson City, Tenn.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WMBO—WMBO, Inc., Auburn, N. Y.—Application for modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission.) Application was designated for hearing because pending applications involve increase in service and interference.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Application for modification of high frequency broadcast station license to use frequency **42180 kc.**, listed as available for high frequency broadcast stations under Sec. 44.04. Application designated for hearing because of pendency of the renewal application of this station and the issues raised thereby, and to determine if applicant has complied in all respects with the rules and regulations in re high frequency broadcast stations.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Application for C. P. to erect a new station to operate on frequency **680 kc.**, clear channel, with 250 watts power day, limited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

MISCELLANEOUS

WBBM—Columbia Broadcasting System, Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of station WENR at Downers Grove, for the period May 15 to June 13, until new antenna can be put up at WBBM's location.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to rebroadcast program material received from Relay Station WOEG, operated by General Electric Co., located aboard Union Pacific train, from 10 to 11 p. m., CST, on May 12.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 3:30 p. m., CST, on May 20, in order to broadcast Upper Peninsula District Track and Field Meet.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied special temporary authority (unless Rule 15.15 is complied with) to operate from 5 to 6 a. m., CST, for a period not to exceed 30 days.

WBGN—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate relay broadcast experimental station W9XSM on the frequencies **1606, 2022, 2102 and 2758 kc.**, with power of 10 watts, in lieu of the normal licensed frequencies, on May 12 and 13.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Granted special temporary authority to operate station WRVA on one antenna only of two antenna array during daylight hours only, for the period May 11 to May 16, in order to conduct tests.

W9XFN—American Broadcasting Corp. of Kentucky, Lexington, Ky.; W9XFO—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate WQOB, Fayette County Police Radio Patrol fixed station (25 watts, **37,100 kc.**, and two WQOB Fayette Patrol mobile units) (5 watts, **37,100 kc.**) on frequency of **37,020 kc.**, as a relay broadcast station, from 1:30 to 1:45 p. m., CST, on May 11, for the purpose of rebroadcasting over station WLAP and WHAS the inaugural program of the Fayette County Police Radio Patrol.

NEW—C. T. Sherer Co., Inc., Worcester, Mass., and NEW—North Shore Broadcasting Co., Salem, Mass.—Granted applicants' petition for continuance of hearing now scheduled for June 1, for approximately 30 days, new date to be fixed by Docket Section, in re applications for new stations, both requesting frequency **1200 kc.**, Sherer Co. for 100 watts night, 250 watts LS, and North Shore Broadcasting Co. for 100 watts, unlimited time for both applicants.

WSPA—Virgil V. Evans, Spartansburg, S. C.—Granted petition for extension of 10 days time to file proposed findings (for all parties), due May 17 to and including May 27.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted motion to dismiss without prejudice application for modification of license to increase night power from 1 to 5 KW.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Denied petition for order to take depositions with reference to citizenship of three parties connected with applicant corporation, and to reopen the record for that purpose.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Dismissed motion to deny above petition for order to take depositions and reopen the record in re application of Presque Isle Broadcasting Co.

KITE—First National Television, Inc., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to move transmitter and studio, install directional antenna.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted petition to accept amendment to application in re directional antenna and antenna site; cancelled hearing date of June 20 involving applications of KXOK, KFRU and WGBF, new date to be fixed by dockets, all three cases to be heard on the same date.

NEW—John F. Arrington, Jr., Valdosta, Ga.—Denied petition for order to take depositions; hearing date of May 26 cancelled and case continued to July 10. This is an application for C. P. for new station to operate on **1230 kc.**, 250 watts, unlimited time.

WPAX—H. Wimpy, Thomasville, Ga.—Denied request for order to take depositions in re application of Arrington.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted petition to intervene in the hearing on the application of KFIO, Spokane, Wash., to change frequency from **1120 kc.** to **950 kc.**, and power from 100 watts daytime to 1 KW unlimited.

KXL—KXL Broadcasters, Portland, Ore.—Granted petition to withdraw without prejudice application for C. P. to change frequency and power from **1420 kc.**, 100 watts, 250 watts LS, shares KBPS, to **1110 kc.**, 5 KW, unlimited, DA for day and night.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Granted petition to intervene in the hearing on the application of the Neptune Broadcasting Corp. for a new station to operate on **1420 kc.**, 100 watts, 250 watts LS, unlimited.

NEW—North Shore Broadcasting Co., Salem, Mass.—Granted motion to accept amendment describing type of antenna and transmitter site, in re application for new station to operate on **1200 kc.**, 100 watts, unlimited time, now scheduled for hearing on June 1.

WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate with power of 1 KW daytime, using directional pattern, in order to facilitate the establishment of the directional pattern of the antenna authorized by C. P. granted on November 1, 1938, for the period ending no later than June 1, 1939.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate, subject only to full compliance with Rule 15.15, from local sunset (May 6:30 p. m. and June 7 p. m., CST) to the conclusion of baseball games to be played on May 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, and June 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted special temporary authority to operate crystal controlled 100-watt unmodulated transmitter between hours 1 and 6 a. m., EST, in vicinity of Bristol, for the period May 15 to June 7, in order to conduct site survey.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency **38.65 megacycles,** pending definite arrangements to be made in the ultra high frequency bands, for the period May 19 to June 17.

NEW—WJMS, Inc., Ashland, Wis.—Granted request for change in notary public to take depositions on May 15 in re application for new station, subject to proper objection on the part of the other parties in this proceeding.

NEW—Mollin Investment Co., Huntington Park, Calif.—Denied as in cases of default application for C. P. for new station at Palm Springs, Calif., to use **1200 kc.**, 100 watts, daytime, because applicant failed to file written appearance.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Denied as in cases of default application for C. P. to change equipment and increase day operating power, because applicants failed to file written appearance.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Denied as in cases of default application for renewal of television broadcast experimental license, for failure to file written appearance.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted in part petition of WICA authorizing operation of station with 500 watts daytime, and denied request to operate with 1 KW.

NEW—William F. Huffman, Wisconsin Rapids, Wis.—Granted petition for rehearing, said rehearing to be on further issues to be determined by the Commission. (On January 3 the Commission denied Huffman's application for a new station to operate on **580 kc.**, with 250 watts, unlimited time, DA nighttime hours.)

WSBT—South Bend Tribune, South Bend, Ind.—Denied petition for rehearing in re Docket 3763, and set aside its Statement of Facts, Grounds for Decision and Order of February 6, 1939, and set the matter for further argument before the Commission upon the following: (1) what the effect would be, if any, upon the operation of these stations as proposed, of putting into operation the allocation established by the North American Regional Broadcasting Agreement; (2) whether on the basis of the pendency of such Agreement both applications should be denied; and (3) which, if either, of the two applications should be granted. (The applications involved are for WSBT to move transmitter and change frequency from **1360 kc.** to **1010 kc.**, and increase power from 500 watts, sharing time with WGES, to 1 KW, unlimited, using DA; and application of King-Trendle Broadcasting Corp. for C. P. to erect a new station at Grand Rapids, Mich., to use **1010 kc.**, with 250 watts power, unlimited time. Both applications were denied by the Commission on February 6.)

NEW—Summit Radio Corp., Akron, Ohio.—Denied petition to revise issues and postpone rehearing in re application for new special broadcast station to use **1530 kc.**, 1 KW, unlimited time, with DA at night, and ordered that hearing stand postponed indefinitely.

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—On May 8 the Commission granted a petition for further hearing on the application of Pawtucket Broadcasting Co. for a new station to use frequency **1390 kc.**, 1 KW, unlimited time, on issues to be specified. Pursuant to this action the Commission today approved the bill of particulars, the further issues to be: (1) to determine whether there is available a frequency which will provide service to the area proposed to be served in keeping with the Commission's plan of allocation. (2) To determine whether or not the use of the frequency **1390 kc.**, with 1 KW power, unlimited time, will provide adequate service for the area proposed to be served, and would be consistent with sound principles of allocation.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of C. P. to install new equipment.

WBAC—New Jersey Broadcasting Corp., Portable-Mobile (New York and New Jersey area).—Granted license to cover C. P. for new relay broadcast station, frequencies **1646, 2090, 2190, 2830 kc.**, 2 watts.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted amended C. P. to move transmitter and studio sites locally, install vertical radiator and new equipment, upon the express condition that this grant shall not be construed as a finding by the Commission upon the application for renewal of license of KLCN nor upon any issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted authority to determine operating power by direct measurements of antenna input in compliance with terms of Rule 137.

WWL—Loyola University, New Orleans, La.—Granted license to cover C. P. authorizing change in transmitter site, installation of directional antenna system for both day and night operation, and increase in power from 10 KW to 50 KW.

WCAX—Vermont Broadcasting Corp., Burlington, Vt.—Granted modification of license to change name from Vermont Broadcasting Corp. to Burlington Daily News, Inc.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and installation of vertical radiator, provided towers are marked according to specifications.

WKBB—Sanders Bros. Radio Station, Dubuque, Iowa.—Granted modification of C. P. extending completion date to November 20, 1939.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted modification of C. P. extending completion date to December 11, 1939.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 to 250 watts.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted license to cover C. P. authorizing move of transmitter site locally and installation of vertical radiator, subject to the express condition that this grant shall not be construed as a finding by the Commission upon application of Bellingham Broadcasting Co. for C. P. nor upon the application for renewal of license of KVOS, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.

WJR—WJR, The Goodwill Station (Detroit, Mich.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.**, 250 watts.

NEW—Miami Valley Broadcasting Corp. (Dayton, Ohio, Montgomery Co.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 18 watts.

NEW—Florida West Coast Broadcasting Co., Inc. (Tampa, Fla., also Clearwater), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 40 watts.

NEW—Red River Broadcasting Co., Inc. (Duluth, Minn.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.**, 10 watts.

WNYN—City of New York, Municipal Broadcasting System (New York, N. Y.), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 3 watts.

WNYO—City of New York, Municipal Broadcasting System (New York, N. Y.), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 3 watts.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted license to cover C. P. authorizing new station to operate on **1210 kc.**, 250 watts, daytime only.

W2XJI—Bamberger Broadcasting Service, Inc., New York.—Granted special temporary authority to operate high frequency broadcast experimental station W2XJI on the frequency **25300 kc.** in lieu of normal licensed frequencies, for a period not to exceed 30 days, pending Commission action on application for modification of license.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW night, for a period not to exceed 30 days, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.** or reduces power so that additional interference is not involved.

KSAL—R. J. Laubengayer, Salina, Kans.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG operated by General Electric Co. aboard new streamline train of Union Pacific at approximately 8:15 p. m., CST, on May 15.

KTEM—Bell Broadcasting Company, Temple, Tex.—Granted special temporary authority to operate from 7:30 to 11 p. m., CST, on May 23, in order to broadcast proceedings of Chamber of Commerce Banquet, using 100 watts only.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate all hours except those assigned to station WSVS, which are 8:30 to 10 a. m., and from 2 to 3 p. m., EDST, instead of EST, for the period ending no later than July 1, 1939 (provided WSVS remains silent).

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period May 21 to June 19.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army airplane, call letters DU-1, in connection with Blackout Exercises on May 18.

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army airplanes, call letters VR2, SF7 and DU1, in connection with Blackout Exercises on May 18.

W3XO—Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authority to operate high frequency broadcast station W3XO on frequency of **43.2 megacycles,** with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services, for the period May 30 to June 28.

W2XMN—Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency **42.8 megacycles,** power output 40000 watts, for the period June 14 to July 13, pending definite arrangements to be made in the ultra high frequency bands.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency experimental station W8XWJ, to be received from relay broadcast experimental station W8XIG, in connection with Police Field Day activities, from 10 a. m. to 6 p. m., EST, on May 26.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XPW authorized by modification of C. P., on frequency **42.4 megacycles,** with power of 1000 watts, for the period May 24 to June 22, pending definite arrangements to be made in ultra high frequency bands.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m. until midnight, EDST, on May 16, 24, June 1, 8, in order to broadcast baseball games.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authorization to operate unlimited time on **1180 kc.,** using 10 KW power, employing directional antenna system after sunset at Portland, Ore (May 7:30 p. m. and June 8 p. m., PST), for the period May 23 to June 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.,** using 5 KW power, for the period May 23 to June 21.

APPLICATIONS FILED AT FCC

570 Kilocycles

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW.

760 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Modification of construction permit (B5-P-1702) as amended for changes in equipment, increase in power, new antenna, and move of transmitter and studio. Amended: Equipment and antenna changes and give transmitter site as Atlantic St., Dock "A", Seattle, Wash., and studio site as 314 Bigelow Bldg., Seattle, Wash.

1200 Kilocycles

NEW—North Shore Broadcasting Company, Salem, Mass.—Construction permit for a new station to be operated on **1200 kc.,** 100 watts, unlimited time. Amended: Antenna changes, and give transmitter site as Naugus Ave., Marblehead, Mass.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Construction permit to install new transmitter and vertical antenna.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit (B3-P-2002) for approval of antenna, and give studio site as Main St., McColgan Hotel, McComb, Miss., and transmitter site as U. S. Highway 51, McComb, Miss.

1250 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Construction permit to install new transmitter; make changes in directional antenna (for use both day and night); change frequency from **1250 kc.** to **630 kc.;** power increase from 1 KW to 1 KW night, 5 KW day; move transmitter from ½ mile northwest of Venice, Ill., to near Washington Park, Ill. (contingent on B4-P-2321—WGBF and B4-P-2322—KFRU). Amended: Changes in antenna, and to give transmitter site as near National City, Ill.

1310 Kilocycles

KWOC—Don M. Lidenton and A. L. McCarthy, Poplar Bluff, Mo.—Voluntary assignment of license from Don M. Lidenton and A. L. McCarthy to A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to cover construction permit (B3-P-2250) as modified to install new transmitter and antenna and move of transmitter.

1320 Kilocycles

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in transmitting equipment, install new vertical antenna, and move transmitter from 111 Broadway to corner Lake and Maryland Aves., Pueblo, Colo. Amended to request increase in power from 500 watts to 1 KW.

1340 Kilocycles

NEW—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Construction permit for a new station on **1340 kc.,** 1 KW, unlimited time.

1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Ore.—License to cover construction permit (B5-P-1744) as modified for change in frequency, new transmitter, antenna changes, increase in power, move of studio and transmitter.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Construction permit to install vertical antenna, increase power from 500 watts night, 1 KW day, to 1 KW day and night. Amended: Antenna changes.

1370 Kilocycles

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Construction permit to erect a new station to be operated on **1370 kc.,** 100 watts night and 250 watts day power, unlimited time.

1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night—directional antenna night.

1390 Kilocycles

NEW—Richard T. Sampson, Riverside, Calif.—Construction permit for a new broadcast station to be operated on **1390 kc.,** 250 watts power, daytime operation.

1420 Kilocycles

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts power, unlimited time. Amended: Antenna and transmitter site to be determined, in or near Lawton, Okla.

1500 Kilocycles

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Modification of construction permit (B2-P-1848) for a new station, requesting approval of antenna, new transmitter, and approval of studio site at 1016 Lee St., Charleston, W. Va., and transmitter site at Kanawha Country Club Road, South Charleston, W. Va. Amended: Antenna changes and give transmitter site as Coal Branch Heights, near city of Charleston, W. Va.

NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Construction permit for new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—Construction permit to install new transmitter and antenna and move transmitter from 134 Miami St. to 341 Rising Main St., Pittsburgh, Pa.

MISCELLANEOUS

W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequencies from **31600, 35600, 38600, 41000 kc.** to **25250 kc.**, to comply with new rules adopted 4-17-39.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequency from **26300 kc.** to **25300 kc.**, to comply with new rules.

W8XCN—Onondaga Radio Broadcasting Corporation, Portable-Mobile, Syracuse, N. Y.—Construction permit for change in equipment, increase power output from 5 watts to 20 watts, change frequencies to **30820, 33740, 35820** and **37980 kc.**

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile (area Syracuse, N. Y.).—Construction permit for new relay broadcast station (portable-mobile) on frequencies **1646, 2090, 2190** and **2830 kc.**, 20 watts power, A-3 emission.

W8XJM—WBNS, Inc., Columbus, Ohio.—License to cover construction permit for facsimile station. Amended to change frequencies from **41000, 38600, 35600** and **31600 kc.** to **43540 kc.**, in accordance with new rules.

W9XEG—Martin R. O'Brien, Portable-Mobile, area of Aurora, Ill.—License to cover construction permit for new experimental station.

NEW—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—Construction permit for a new portable-mobile relay broadcast station on frequencies **1606, 2022, 2102, 2758 kc.**, 100 watts power, Emission A-3.

NEW—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.).—License for new relay broadcast station (utilizing equipment of station W9XSM, B4-PRE-86) on **1606, 2027, 2102** and **2758 kc.**, 10 watts power, A-3 emission. Amended to change frequency **2027 kc.** to read **2022 kc.**

NEW—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.).—License for a new relay broadcast station (utilizing equipment of station WAHJ, PRY-66) on **31100, 34600, 37600, 40600 kc.**, 100 watts power, 3-A emission. Amended to specify frequencies **30820, 33740, 35820, 37980 kc.**, 25 watts power.

W2XAK—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-6) as modified to extend completion of construction date from 6-16-39 to 12-16-39.

W8XVA—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Portable-Mobile, area of Rochester, N. Y.—Modification of construction permit (B1-PRE-221) requesting extension of required date of completion from 7-1-39 to 11-10-39.

WIEW—National Broadcasting Co., Inc., Portable-Mobile, area of New York, N. Y.—License to cover construction permit (B1-PRY-172) for new transmitter and increase in power from 20 watts to 25 watts.

W9XTZ—Eugene P. O'Fallon, Inc., Portable-Mobile (vicinity of Denver, Colo.).—License to cover construction permit (B5-PRE-218) for a new relay broadcast (experimental) station.

W9XZV—Zenith Radio Corporation, Chicago, Ill.—Modification of license for changes in authorized frequencies from **42000-56000, 60000-86000 kc.** to **44000-50000 kc.**, in accordance revised rules.

W9XXT—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license to reduce authorized power without new construction from 5 watts to 0.5 watts.

NEW—A. H. Belo Corporation, Dallas, Tex.—License for new facsimile broadcast station utilizing the equipment of high frequency broadcast station W5XD, to be operated on **25250 kc.**, 100 watts, unlimited time, A-4 emission; Dallas, Tex.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Buford & Owens College—Misuse of the word "college" and misrepresentation of the efficacy of hair and scalp remedies distributed by them, is charged in a complaint against Buford & Owens College, and its officers, Gussie Buford, President, Mary Owens Boone Wellingham, Vice-President, and George Buford, Secretary, 812 North East Third St., Oklahoma City, Okla.

In newspapers and in other advertising matter distributed by the respondents, the complaint alleges, are statements such as "Buford & Owens College, makers of wonderful B. & O. Hair Oil—Shampoo", and "It stops the hair from falling out, cures many cases of scalp diseases, and causes stubborn hair to grow."

The complaint assets that a college, as understood by the public, is an institution of higher learning empowered to confer degrees, with a faculty of learned instructors in the various branches of learning, including the liberal arts and sciences. It also alleges that the respondents' preparations are not a cure or remedy for dandruff, falling hair or scalp diseases, and are of no value in promoting the growth of hair or preventing hair from falling out. (3790).

Consolidated Silver Company of America—Unfair trade practices in the sale of a business promotional plan and of silverware to retail merchants and their customers, are alleged in a complaint against William M. Irvine, trading as Consolidated Silver Company of America, 7338 Woodward Ave., Detroit.

Entering into contracts with retail merchants, the respondent is alleged to sell them "advertising trade cards" at $4.50 a thousand which the merchants distribute to customers who purchase specified amounts of their ware, and with display posters and advertisements to be used in connection with the sales plan.

Among representations alleged to be made by the respondent are: That the merchants' customers can obtain entire sets of silverware or tableware without cost to them by obtaining the advertising cards and sending them to the respondent for redemption; that merchants can purchase and use the respondent's sales promotional plan without cost to them, and that the respondent, trading as Consolidated Silver Company of America, is a representative of, or is connected with, or is conducting an advertising campaign for, the manufacturer of Wm. A. Rogers silverware. (3789)

W. A. Nieuwenhuis & Sons—W. A., John, and Henry Nieuwenhuis, trading as W. A. Nieuwenhuis & Sons, Kalamazoo, Mich., distributors of plants and tulip bulbs grown on farms and nurseries near Kalamazoo, are charged in a complaint issued with misrepresenting, on price lists and other printed matter through the legend "Dutch Bulb Growers", that the bulbs distributed by the respondents are grown in Holland. (3787)

Westmininster Tire Corporation—Misrepresentation of the number of plies in the structure of pneumatic tires distributed by it is charged in a complaint issued against Westmininster Tire Corporation, 601 West 26th St., New York.

It is a custom and usage in the rubber tire industry, followed by many manufacturers of pneumatic automobile and truck tires, the complaint alleges, to mark such tires with words, figures or phrases so as to truthfully indicate the number of plies existing in the construction of the tires. Many of the respondent's tires, the complaint continues, do not contain the actual number of plies indicated by the words, letters, figures or insignia depicted on the wrapping or shields of the tires. (3786)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Imperial Sales Company—See Midwest Studios, Inc.

Midwest Studios, Inc.—Misrepresentations in the sale of tinted or colored enlargements of photographs and frames therefor brought an order to cease and desist against a Portland, Ore. organization selling such products throughout the country by means of house-to-house sales crews, "field artists" and other representatives. The respondents are Midwest Studios, Inc., Imperial Sales Company and their president, B. E. Youmans, all of 408 S. W. Avenue, Portland, Ore.

The order prohibits concealment or failure to disclose to customers upon initial contact that a finished picture when delivered will be so shaped and designed that it can only be used in a specially designed, odd style frame obtainable only from Midwest Studios.

The respondents are ordered to cease representing, through use of a "draw" or any other device, that any customer thereby obtains a financial advantage or is entitled to receive any picture free. (3011)

United States Advertising Service—An order to cease and desist from the distribution of pull and push cards and other lottery devices to be used in the sale of merchandise was issued against Meyer Edelsohn, trading as United Advertising Service, 5715 Florence Ave., Philadelphia.

Findings of the Commission are that United Advertising Service distributes clocks, desk lighters, and other merchandise, also supplying customers with the lottery devices and instructions by which the merchandise is distributed to ultimate consumers. (3738)

STIPULATIONS

The Commission has entered into the following stipulations:

General Foods Corporation, 250 Park Ave., New York, distributor of a laundering product designated La France, has entered into a stipulation to cease representing that La France contains or constitutes a cleansing agent superior to or different from pure soap, and that if one uses La France, clothes will not require any rubbing or scrubbing. (02376)

Hychex Laboratories, Inc.—The Commission has accepted from Hychex Laboratories, Inc., 184 West Washington St., Chicago, distributor of diaphragms, rings and a so-called "Hychex Jelly", a stipulation to the effect that it will discontinue use of the word "Laboratories" in connection with its corporate or trade name or in any way which would imply that it owns, operates or controls laboratories, when such is not a fact. (2463)

Proctor & Gamble Co., Cincinnati, has entered into a stipulation to discontinue advertising that the use of Camay Soap will keep the skin young; that no other soap can compare with Camay for cleansing the skin, or that Camay "reaches down to the pores".

While not abandoning its right to claim that its product may be used safely upon sensitive skins generally, the respondent company agrees to cease representing directly or by implication that Camay Soap "can't irritate the most sensitive skin" or using any other claim which may imply that it is nonallergic. (02375)

Tim Lake Laboratories, Inc., Des Moines, Iowa, distributor of "Jermite", a poultry remedy, has entered into a stipulation in which it agrees to cease and desist from representing that "Jermite" guarantees reduced chick loss, rapid chick growth, riddance of disease germs, prevention of coccidiosis, elimination of worm hazard, or control of simple diarrhea; that "Jermite" acts as an antiseptic, appetizer, intestinal cleanser or bone builder; that it increases vitality, egg production, or hatchability of eggs, and that one gallon of "Jermite" will anticepticize and germitize 250 gallons of drinking water, or 32 sacks of feed when fed according to directions. (02377)

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 21, May 26, 1939

The Week In Washington

Congress was busy this week with other matters and the FCC took the headlines in broadcasting news.

The commission issued new rules on international broadcasting, among these being one to require stations to broadcast internationally only such programs "which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation."

The commission's television committee issued a report recommending against adoption of standards proposed by the Radio Manufacturers Association for fear of freezing television.

So far, the commission has failed to supply an interpretation of its May 16 statement regarding Section 317 of the Federal Communications Act of 1934, despite persistent efforts of the NAB to obtain such.

Neville Miller appeared before a senate subcommittee to endorse legislation that would permit televisioning of prize fights.

The NAB Research Committee met in Washington. Next week both the accounting and code committees will meet in New York. The code committee is expected to whip into shape the code of program standards to be presented to the NAB convention in July.

FCC FAILS TO CLARIFY RELEASE ON SECTION 317

The FCC to date has failed to supply an interpretation of Section 317 of the Communications Act of 1934, requested by the NAB as soon as the Commission called the broadcasting industry's attention to the section on May 16.

Neither oral requests nor the NAB's letter brought an interpretation. A special bulletin will be sent to the membership as soon as word is received from the FCC.

The NAB letter:

May 23, 1939

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

Please permit me to refer to the Commission's release No. 34075 of May 16, which called attention to the requirements of Section 317 of the Communications Act of 1934, reading as follows:

"Sec. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person."

It is my understanding this release was occasioned by reports from the Commission's field representatives that in several instances a few stations had neglected to sufficiently identify sponsors, particularly in connection with time purchased for talks.

Heretofore we have interpreted the provisions of Sec. 317 as follows: "The station is required to announce the sponsor of the program in such language as will acquaint the listener with the fact that the program is being broadcast as an advertisement if such is the case. The Federal Radio Commission ruled that advertising must be presented as such and not disguised, applying the same principle which has been applied to newspapers to prevent an advertisement from appearing on the surface to be a news item (see Third Annual Report, Federal Radio Commission, page 35). The plain intent of the Section is to prevent a fraud being perpetrated on the listening public. Therefore, reference to the sponsor in such manner as to indicate to the listener that the program is paid for by the sponsor should be sufficient without the necessity of specifically using the words "paid for." An announcement of the fact that the program is presented by the "X" company or that it

(Continued on page 3498)

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FCC FAILS TO CLARIFY RELEASE ON SECTION 317

(Continued from page 3497)

is sponsored by the "X" company would appear to satisfy the provisions of the statute, since these terms have been publicized to such an extent by radio that the public understands such programs are paid for and are for the purpose of advertising the product of the sponsor. On the other hand, if the name of the sponsor is mentioned in such manner that it might be construed as an editorial comment on the part of the station or as an item of news, it would be contrary to the provisions of the Section."

In view of the number of requests for information received as a result of the Commission's release, it will be greatly appreciated if you will advise whether the foregoing interpretation is in accord with that of the Commission.

Sincerely,

ANDREW W. BENNETT, *Counsel.*

MILLER URGES APPROVAL OF PRIZE FIGHT TELEVISIONING

Neville Miller urged a Senate Interstate Commerce subcommittee this week to approve the Barbour bill to eliminate the federal ban on the television broadcast of prize fights across state lines.

Mr. Miller made the following statement:

There have been many changes in American life and American opinion since 1912 when Congress enacted the present law making it unlawful to ship in interstate commerce films of prize fights. Since that time broadcasting has been developed as a medium of public entertainment and as a means of dissemination of news and information. Sports of all kinds have become more popular, and the American people have become more sport minded and interested in sporting events.

Today many sporting events, such as football games, baseball games, prize fights and horse races are broadcast, and these programs are listened to by large nationwide audiences. No distinction, as far as I know, has been drawn between broadcasting of prize fights and the broadcasting of other sporting events, and all today are an accepted form of entertainment.

Television is now in the process of being developed, and a number of broadcasters possess the necessary Government licenses to operate television transmission stations. Television receiving sets are now being manufactured, and sold to the public in areas where service is available. The program service in television is being developed, and, unless prohibited by law, will include the transmission of pictorial representation of prize fights.

Many of such transmissions will be across state lines, and therefore will fall within the category of interstate commerce. Although no court as yet has been called upon to decide whether the Act of 1912 would apply to a telecast of a prize fight, it is conceivable that the question may be raised, and no broadcaster desires to run the risk of violating the law, even though the possibility of his act being a violation may be remote.

Programming is one of television's most difficult problems, and it must depend upon special events as a major source of material. As prize fights have proved to be very acceptable to the public as broadcast program material, they will undoubtedly prove to be very acceptable for television program material. A prohibition of the use of prize fights for television programs would deprive the industry of very valuable program material, and accomplish no good purpose.

Speaking on behalf of the broadcasting industry, I desire to urge the passage of Senate Bill 2047, introduced by Senator Barbour of New Jersey.

DISTRICT 2 MEETING

The meeting of the NAB members in the Second District, comprising the State of New York, was held Friday, May 19, in the studios of WGY at Schenectady. Harry C. Wilder, District Director, presided.

The morning session was devoted to the sales managers' conference, which was followed at noon by an inspection of WGY's new studios. After luncheon at the Van Curler Hotel, the television division of the General Electric Company gave a demonstration of General Electric's experimental work.

The afternoon session was devoted to a discussion of industry problems, particularly copyright, state and federal legislation, NAB-RMA campaign, and other NAB activities. At the close of the afternoon session, many of those present went to Albany for an inspection of the new Albany Radio Center, housing WOKO and WABY.

Andrew Bennett, NAB Counsel, represented headquarters. Those present were:

William I. Moore, WBNX, New York City; Richard E. O'Dea, WNEW, New York City; M. J. Weiner, WNEW, New York City; Jack Kennedy, WHAM, Rochester; Phil Hoffman, WSYR, Syracuse; George Bissell, WMFF, Plattsburgh; Martin Traynor, Jr., WMFF, Plattsburgh; Cliff Taylor, WBEN, Buffalo; B. W. Bullock, General Electric Co., Schenectady; Edgar H. Twamley, WBEN, Buffalo; Joe M. Clark, WIBX, Utica; Nathan Cook, WIBX, Utica; Samuel Woodworth, WFBL, Syracuse; W. J. Purcell, WGY, Schenectady; H. A. Woodman, WEAF, New York City; Charles Phillips, WFBL, Syracuse; Mr. Al. Sardi, WOKO, Albany; James Carey, WABY, Albany; Morris Clark, WHEC, Rochester; Harold E. Smith, WOKO, Albany; Sidney Kaye, Columbia Broadcasting System, New York City; John Gude, Columbia Broadcasting System, New York City; Kolin Hager, WGY, Schenectady; M. M. Boyd, WJZ, New York City; Fred Keesee, WMBO, Auburn; Ken Johnson, WCKO, Albany; Harry Goldman, WABY, Albany; W. T. Meenan, WGY, Schenectady; A. O. Coggeshall, WGY, Schenectady; G. E. Markham, General Electric Co., Schenectady; I. R. Lounsberry, WGR-WKBW, Buffalo; L. H. Avery, WGR-WKBW, Buffalo; Allan Taylor, WGY, Schenectady; Harry C. Wilder, WSYR, Syracuse; William Fay, WHAM, Rochester.

DISTRICT 15 MEETING

Howard Lane, business manager of the McClatchy Broadcasting Company, was elected NAB director, to succeed Ralph R. Brunton, KJBS, at a District 15 meeting in San Francisco on May 17. Tax free music, copyright, legislation and affiliation of state broadcasters' associations with NAB were discussed. Those present:

KARM, George Harm; KFBK, Howard Lane; KFRC, Wilbur Eickelberg; KGDM, Edith Smith; KJBS, Ralph Brunton; KLX, Preston D. Allen; KPO-KGO, Lloyd Yoder; KROY, Will Thompson; KSAN, S. H. Patterson; KSFO, Philip G. Lasky; KSRO, C. L. Finley; KTKC, Charles A. Whitmore; KQW, C. L. McCarthy.

KIRBY ADDRESSES WOMEN

Ed Kirby, NAB public relations director, talked to the National Council of Women in New York this week about self-regulation in the broadcasting industry. The women, leaders in widely varied fields, appeared to be enthusiastic about the program standards Mr. Kirby discussed.

Monopoly Hearing

MAY 18

Marks Levine, manager of the concert division of the NBC Artists Bureau, testified about the division's activity.

MAY 19

De Quincy V. Sutton, FCC accountant, introduced a number of commission exhibits regarding network operation. This brought to a close the long hearing, which started November 14, 1938. The committee announced it would prepare a report.

FCC Short Wave Rules

The FCC this week issued the following rules on international broadcast stations:

Part 42. International Broadcast Stations

Sec.
42.01 Defined
42.02 Licensing requirements; necessary showing
42.03 Service; commercial or sponsored programs
42.04 Frequency assignment
42.05 Power requirement
42.06 Supplemental report with renewal application
42.07 Frequency control

Sec. 42.01 *Defined.* The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned [between 6,000 and 26,600 kilocycles] for broadcasting by International Agreement.)

Sec. 42.02 *Licensing requirements; necessary showing.* A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That there is a need for the international broadcast service proposed to be rendered.
2. That the necessary program sources are available to the applicant to render an effective international service.
3. That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.[1]
4. That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.
5. That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.
6. That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.
7. That the public interest, convenience and necessity will be served through the operation of the proposed station.

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Sec. 42.03 *Service; commercial or sponsored programs.*

(a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.

(b) Such international broadcast service may include commercial or sponsored programs provided that,

1. Commercial program continuities gives no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.
2. In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with subsection (c) of this section.
3. In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with subsection (c) of this section.
4. In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.
5. In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with subsection (c) of this section and is consistent with the purpose and intent of this section.

(c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries. The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).

(d) An international broadcast station may transmit the program of a standard broadcast station or network system provided the conditions in subsection (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency, and provided further that in the case of chain broadcasting,[2] the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.

(e) Station identification, program announcements, and oral continuity shall be made with international significance

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[1] See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, Article 7. Prior to September 1, 1939 and thereafter see Cairo General Radio Regulations, Article 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

[2] See Section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

(language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

Sec. 42.04 *Frequency assignment.*

(a) The following groups of frequencies are allocated for assignment to international broadcast stations:

Group A	*Group B*	*Group C*	*Group D*
6020 kc	9510 kc	11,710 kc	15,110 kc
6040	9530	11,750	15,150
6060	9570	11,770	15,170
6080	9590	11,790	15,190
6100	9650[3]	11,810	15,210
6140	9670[3]	11,830	15,230
6170[3]		11,850	
6190[3]		11,870	
		11,890	

Group E	*Group F*	*Group G*	*Group H*
15,250 kc	17,760 kc	21,460 kc	25,600 kc
15,270	17,780	21,480	25,625
15,290	17,800	21,520	25,650
15,310	17,830[3]	21,540	25,675
15,330		21,570[3]	25,700
		21,590[3]	25,725
		21,610[3]	25,750
		21,630[3]	25,775
		21,650[3]	25,800
			25,825
			25,850

(b) A separate license and call letter designation will be issued for each frequency except that where frequencies in two or more groups are required to maintain a particular international broadcast service to certain foreign country or countries, one frequency from each of the groups required may be authorized by one license and one call letter designation. In such cases these frequencies shall be used consecutively during a day as required and they shall not be used simultaneously either on the same transmitter or different transmitters.

(c) Not more than one frequency in any one group in subsection (a) of this section will be assigned to a station.

Sec. 42.05 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.[4]

Sec. 42.06 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. The number of hours operated on each frequency.
2. A list of programs transmitted of special international interest.
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

Sec. 42.07 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 per cent of the assigned frequency.[5]

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[3] Any operation on this frequency prior to September 1, 1939, shall be in compliance with Article 7, Cairo General Radio Regulations as adopted at the International Telecommunications Conferences, Cairo, Egypt, 1938.

[4] This provision shall become effective as applying to existing stations July 1, 1940.

[5] See Section 40.01 page 1. This provision shall become effective as applying to existing stations January 1, 1941.

FCC Television Report

The FCC Television Committee made the following report to the Commission this week:

STANDARDS

The matters referred by the Commission to the Television Committee present two distinct questions, each requiring separate consideration.

The first of these questions involves action by the Commission upon the request of the Radio Manufacturers Association for approval of the technical standards for television proposed by that Association. The second involves the disposition to be made of several applications for construction permits to erect television stations.

The Television Committee will submit reports dealing with these two questions separately under the title of (1) Standards, and (2) Applications, respectively. This report covers only the first, namely, STANDARDS.

The Television Committee has held several meetings for the purpose of discussing the problem presented by the effect of standardization upon the development of television. In addition thereto the Committee has visited various television laboratories, and has conferred with several organizations concerned in the development of television from both the manufacturing and the operating standpoint. These conferences with the industry were primarily for the purpose of securing information as to the nature of the standards as well as the necessity therefor, and the effect of such standards upon the future development of television as a service in the interest of the public.

The Television Committee is of the opinion that any jurisdiction which the Commission may have lawfully in the matter of television standards is solely that arising from its specification of external performance requirements for transmitting stations which the Commission may license in the future.

However, a serious question of public interest would arise in the future if the Commission should specify external transmitter performance capabilities differing from the operating capabilities of receivers in the hands of the public. This is because of the resultant possibility that the public's receivers would be incapable of receiving programs emanating from transmitters licensed by the Commission. Thus, while the Commission has no legal authority to specify standards for the radio manufacturing industry, there is involved in any such standardization a question of public interest which makes it necessary for the Commission to keep itself actively informed of technical progress in television in greater detail than might be necessary otherwise in regular forms of radio communication.

The Federal Communications Commission is assigned by law a most complex problem of engineering, economics and sociology. It is doubtful if the full meaning of this is thoroughly understood by the general public.

In this matter of television, the Commission must decide not only positive issues such as the ultimate technical standards of performance, but negative ones, such as what radio services shall be displaced or denied in favor of television. In this, it must be admitted, the Government can only proceed with the best evidence available and make as scientific an estimate as possible. Nobody can foresee the progress of scientific invention, nor can anyone predict safely what the public will or will not accept. Therefore, it would appear to be absurd for the Commission or the industry at this time to take the position that they know precisely what the future holds.

We feel that television technology stands at approximately the same point on its road of development as did the automobile business immediately prior to the advent of mass production. At that time, with the Selden patents controlling the industry, automobiles were expensive, few and hand-tooled. It appeared they would remain a luxury attachment to the wealthy household.

Had the Government been asked at that time to fix standards of performance for the automobile industry as the Federal Communications Commission is asked to do for television, it would have been very unlikely that any agency of the Government could have foreseen the changes which swept over automobile engineering in a few short years as a result of free private enterprise and uncontrolled competition between engineers and manufacturers. Generally speaking, the history of the emergence of the automobile industry is the record of all improvement in machine operations. Conscious of this, the Television Committee is extremely hesitant to recommend anything which might later prove to hamper the orderly development of the industry.

We wish to facilitate, and not delay, the speedy emergence of television as a mass production industry. Fundamentally, there is little we believe the Government should do except to keep order and insure protection of the public's interest as set forth in general terms in this report. The technical ingenuity of American inventive genius must solve the problem and indicate the road television development ultimately will follow. The Committee is firmly of the opinion that it would be hazardous to both the best interests of the industry and the public to attempt by administrative fiat to freeze the art at this stage of its development.[1]

GENERAL FACTORS OF INTEREST TO THE PUBLIC

(1) *Stages of Development Defined*

In order that the consideration of the complicated situation in television may be simplified, the Committee has divided arbitrarily the development of television into three broad stages, namely,

(A) *Technical Research*

This stage includes fundamental research, the initial development of manufacturing processes and design of all equipment and the adoption of a procedure for continuing improvements in accordance with the demands of the public.

(B) *Experimental Operation*

This stage includes the initial testing of television as a service to the public on a limited scale, and the ascertaining of the requirements of the public for types of programs and character of service as well as securing experience in the production of such service including the training of talent therefor. It also includes the securing of information concerning propagation characteristics from transmitters in actual service, as well as information concerning the improvements to be made in the design of receivers in accordance with the demands of the public. It will be necessary for the public to participate to a limited degree in this stage. Therefore, caution should be taken not to give impetus to a rapid purchase by the public of large quantities of receivers, because in this stage it may be discovered that considerable changes in the recent technical design may have to be made as the result of practical experience. Also included in this phase of development is the commencement of construction of facilities to insure an efficient distribution system for a program service on a regional scale.

(C) *The Construction of Transmitting Stations throughout the Nation and the Operation of Television as a Service to the Public on a Sound Economic Basis*

In this stage the public will be expected to purchase receivers with the expectancy of a stable television service of good technical quality without too rapid an obsolescence of the instruments it has purchased. Television transmitting stations linked in a network system by appropriate electrical means for program distribution will be constructed in various parts of the country, and operated as a service to the public on a national scale.

There can be no sharp line of demarcation between each of the three stages. Also, there are of necessity many progressive steps which must be taken within each stage before the developments can be considered logically to have definitely reached each stage's objective.

(2) *Present Status of Technical Development*

The Committee is of the opinion that credit is due the engineers of the Radio Manufacturers Association for their contribution and honest efforts in the interests of orderly progress in the development of the technical aspects of television. It is entirely possible that the technical quality of television produced in accordance with the proposed standards may be accepted by the public as a practical beginning, provided the public is also informed that improvements in quality and reduction in cost of equipment are possible as a result of future progress in scientific and engineering research.

While the technical standards proposed by the Radio Manufacturers Association represent a concensus of expert engineering opinion in that organization that television operated in accordance with the standards includes the best latest known practical developments, it also appears that the technical development of television has now reached a fork in the road of scientific progress. It is universally agreed that the ultimate objective is to obtain standard performance from licensed television transmitting stations so that every receiver operated by the public will be capable of receiving every transmitting station within range everywhere in the United States. However, there are two different schools of thought concerning the method of attaining this objective. One advocates standardization as recommended in the proposals of the Radio Manufacturers Association as being the best method to obtain orderly progress. The other advocates further technical research before the adoption of any standards which might tend to hamper practical progress because of the inflexibility inherent in any standardization at such an early stage of development.

The Television Committee considers that from the broadest standpoint television is now barely emerging from the first or technical research stage of development. At this time considerable patience, caution and understanding are required. Careful coordinated planning is essential not only by various elements of the industry, but also between the industry as a whole and the Federal Communications Commission.

The Committee feels that there is some merit to the proposals of the Radio Manufacturers Association as an initial step to obtain orderly progress by an industry in the second or experimental operation stage of development of television. However, there should be no lessening of incentive to undertake research leading toward further improvements. In addition, the Television Committee is of the opinion that future progress in television might be more stabilized if basic performance requirements are developed in new transmitters which permit applying the results of future scientific and technical research without rendering totally unworkable the public's receivers in general usage.

Furthermore, if standards are to be adopted by anyone, they should be sufficiently flexible to permit not only improvements in quality but also radical reduction in price. Unless the television receiver of the future is to be within the pocketbook capabilities of the average American citizen, television as a broadcasting service to the general public cannot thrive as a sound business enterprise for any extended period.

(3) *Television as a Future Industry*

Television presents the future possibility of developing a new and important industry, particularly if such development is planned logically on sound economic principles. There are pitfalls of an economic character which should be avoided if television is to become a sound business enterprise capable of rendering a sustained and acceptable service to the public of the nation. Undue haste and lack of coordination between the various elements of the industry are undesirable because of the inevitable retardation of orderly development. While television as a major industry may have distinct social advantages through the creation of new employment, it appears necessary that all concerned exercise caution to minimize disadvantages which could result in unnecessary displacement of labor in industries which may be adversely affected by television service on a national scale. These disadvantages are susceptible of being minimized.

Thus in the development of television as a major industry, it again appears that cooperative coordination between the manufacturers of receiver apparatus, the operators of licensed transmitting stations, and the Federal Communications Commission might be desirable in the development of television as a national service in the interest of the public. While this coordination may be an ideal objective, the continuous exchange of information and the discussion of mutual problems would at least be practical and might enhance farsighted planning.

(4) *Limited Number of Channels*

The extreme limitation of available channels presents a serious problem, particularly in the early stages of television service, because only 7 channels are now developed from a technical standpoint. At first these 7 channels will probably be utilized in cities having large population and areas. The remaining 12 channels which have been reserved and which are not yet developed technically, will be useful for smaller communities as well as for additional stations in the larger communities. The experience gained in the technical phases of the earlier use of the 7 channels which have been developed to date should be utilized to advantage for the service to be rendered on the remaining 12 channels.

It is necessary that television service on a nation-wide scale be operated ultimately on a competitive basis. At present, by reason of the high cost of operation, it appears that cities of less than 100,000 population may have difficulty in supporting one television station, and that in cities of population less than 1,000,000 it may be difficult to operate two television stations on a profitable basis if reliance for financial support must be placed upon advertising as the only source of income.

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[1] A careful study of the available data furnished the Committee by various sources would indicate that even under the most favorable conditions as to geographical location and distribution of population, supported as it is by government subsidy, the British public has not shown itself to be particularly responsive in its acceptance of television performance by the British Broadcasting Corporation. Under the standards of the art prescribed by the British Broadcasting Corporation, optimistic estimates indicate that in a population of approximately 14,000,000 not more than 14,000 receivers have been sold.

Thus with the combination of scarcity of channels and the estimated high cost of operating the transmitting stations which will render television program service to the public, it appears highly essential that the industry be encouraged to undertake further practical research leading toward the development of methods which will permit more stations to be accommodated in the limited space in the radio frequency spectrum as well as facilitating lower costs in the production of good quality program service to the public.

(5) *Future Progress*

In the opinion of the Committee, practical television service to the public on a nation-wide scale cannot be expected for some time in the future. Much development remains to be accomplished from both a technical and organization standpoint. Facilities for the distribution of programs from one center to another have yet to be developed, financed and constructed. Much has yet to be learned concerning program production as well as financing and reducing the cost thereof. Primarily because of the large cost of construction of transmitting stations as well as the high cost of operation thereof in a national competitive system, it is expected that for the next few years the largest metropolitan centers will be the only centers receiving television service and that the smaller centers of population will not have transmitting service available for several years. The cost of receivers will be high during the first years of development, and this in turn may have an additional retarding effect upon the construction of television transmitting stations, particularly in smaller communities.

This high cost of service as well as the relatively high cost of television receivers may be a retarding factor in the development of television as a service on a national scale. It may also act as a deterrent upon early mass production of receivers at low cost. In the opinion of the Committee, these natural economic factors of delay are not undesirable because they will enable a more sound development ultimately of an improved television service to the public, particularly when mass production of receivers at lower cost may become more of a reality than a hopeful probability.

In view of the foregoing, it seems safe to conclude that the establishment of a television service on a national scale will be a process of gradual development, beginning progressively with the larger cities and, over a period of years, finally becoming available to smaller communities.

(6) *Financing*

The financing of television requires courageous pioneering efforts on the part of American investors. Extreme caution should be taken to avoid investment in unproven enterprises. There are many organizations which now have sound basic plans for the development of certain phases of the television art. There may be others which are not equipped from the standpoint of either basic facilities or organization, but which will nevertheless attempt to secure financial support from the investing public. Such enterprises are doomed to ultimate failure. Therefore, good business acumen should be exercised by all concerned and exhaustive scrutiny of every television financial prospectus should be undertaken to insure adequate protection of the investing public.

(7) *Action Necessary*

The Committee believes that if television service on a national scale is to become a practical reality, positive and active steps must be taken to promote its development. It should not be permitted to die in the laboratory merely because more research is necessary. The public interest will not properly be served by those who attempt to minimize the possibilities of television.

In other countries the development of television has been fostered by governmental assistance. In the United States private industry has shouldered all the burden of such development. Credit is due the inventive genius and organization of private American enterprise for the scientific achievement of making available for the public of the United States this remarkable development of television in its present state. It is imperative, therefore, that our Government take no action which retards logical progress in the further development of television as a service in the interest of the public. In fact, the Communications Act requires that the Commission encourage the larger and more effective use of radio in the public interest.

While there are many problems yet to be solved and many obstacles yet to be overcome, the Committee sees no reason for an assumption that these problems will not be solved and that these obstacles cannot be overcome by encouraging inventive genius organized and financed by private American enterprise to proceed with the second of the three broad stages of television development.

Private industry has already spent millions in developing the technical aspects of television to the point that this new art is more than a dream of inventive genius. From a scientific standpoint, television is now practical, even though its quality is susceptible of improvement.

It appears useless to expect private enterprise to continue to pour additional capital in the further development of the technical aspects of this new art, unless there can be foreseen some hope of an eventual return on the investment. Consequently the time is fast arriving when it will become necessary to ascertain public reaction to the service potentialities of television. This can be accomplished only by limited public participation through the purchase of receivers, manufactured in the earlier stages of technical development.

Part of the industry has agreed upon certain standards in order that all manufacturers may participate to a greater degree by sharing the responsibility for the initial quality of television without placing too much of the burden of the choice upon the public.

The Television Committee sees no harm in this process, provided the public is made fully aware of facts regarding the potentialities of obsolescence of the television receivers they purchase. However, it should be understood thoroughly that the Federal Communications Commission in complying with the law must be prepared to grant licenses for experimental television stations when a showing is made that public interest will best be served by the granting of such licenses.

FACTORS INVOLVED IN STANDARDIZATION

The Committee is of the opinion that inherent in the consideration of any technical standards are the following important factors. Other important factors are present in the television problem, but these are not related directly to the subjects referred to the Television Committee.

A. *Premature acceptance* of technical standards tending to retard the attainment of the ultimate refinements which the public may need and demand in television.

B. *Flexibility,* so as to protect the public investment in receivers while accomplishing desired and necessary technical improvements in transmission service.

C. *Scarcity of channels* for television transmission resulting in extreme limitation of the number of stations which may be licensed in any specified area.

D. *Patents.*

E. *Cost of Receivers.*

F. *Interference.*

A. *Premature Acceptance of Standards*

The danger involved in the premature adoption of any standards during the early stages of any technical development is one of retarding scientific progress. This is particularly true if such standards are inherently inflexible.

Undoubtedly the public will desire to avail itself of future technical improvements as rapidly as inventive genius makes them possible. Thus, it would not be in the public interest for the Commission to specify rigid transmission requirements at an early stage of technical development, because to do so might result in a retardation of such development.

On the other hand, a wide diversification in transmitter performance, particularly in a single locality, will place upon the purchasing public the entire burden of selection of the best system for future expansion. This obviously has disadvantages and likewise may result in severe retardation of development. Nevertheless, mere technical progress which outmodes equipment is not ordinarily an inhibition to the American public because the public recognizes that in the long run it benefits by technical advances.

However, the situation in television is made more acute than in the ordinary case by reason of the fact that the public invests its individual capital in receivers and has a right to receive information concerning the probabilities of future changes in the transmitting system upon which the usefulness of receivers is dependent. Therefore, adoption of transmitter performance specifications by the Commission may encourage the public to purchase receivers in the expectation that changes in Commission specifications of transmitter performance would not be forthcoming if such changes had the effect of rendering receivers in current use unworkable. Hence, it is incumbent upon the Commission to keep the public informed of the intentions of the Commission with respect to television performance specifications.

In this connection it appears advantageous for the Commission to adopt a policy which requires future applicants for television transmitters at least to equal accomplished practical performance as to quality, and in addition thereto to prove that any method for obtaining the performance proposed in the application, differing from that generally accepted previously thereto, would be in the public interest. This procedure would protect the public in so far as is practicable, and at the same time would permit technical progress to be made toward the ultimate objective without outmoding completely receivers which may be in current use in the future.

There have been 19 channels reserved for television in the frequency range between 30,000 kilocycles and 300,000 kilocycles. Seven of these channels are grouped in the frequency band below 150,000 kilocycles. The remaining 12 are grouped in the frequency band above 150,000 kilocycles. Considerable progress has been made in the lower frequency band containing the 7 channels, but very little progress has been made in the upper band containing the 12 channels. Most of the designs for receivers which will appear soon on the market are capable of receiving only the lower frequency band and some are capable of receiving only 5 of the 7 channels in this frequency band, and some have even less capabilities than this. It is the opinion of the Committee that much more information is required with respect to this upper frequency band and that it is entirely premature for anyone at this time to adopt or authorize standards for either transmitters or receivers in this upper band.

B. *Flexibility*

The Committee is of the opinion that ultimately it will be desirable in the interest of the public for the Commission and the industry to adhere to broad standards of minimum performance for television transmitters so that every receiver, by whomever manufactured, will be capable of receiving any licensed television transmitter within range wherever located in the United States.

The Committee is further of the opinion that a television system operated under such standards should be sufficiently flexible to permit radical improvements in the technical quality of television transmission without rendering inoperative receivers in current use by the public.

The standards as proposed by the Radio Manufacturers Association do not contain a maximum degree of flexibility, and while they permit a limited degree of such flexibility the Committee is of the opinion that additional research may prove advantageous. Naturally there are advantages as well as disadvantages in the current standards proposed by the Radio Manufacturers Association. Nevertheless, there may be additional advantages in furthering investigation of developments now under way before impetus is given to the sale of receivers on a large scale. This investigation, however, should not preclude the initial sale of receivers which will aid in the development of television through partial public participation therein. Such participation is necessary to a limited extent in order to secure reaction of the public as to the technical quality of television in practical operation. However, it should be obvious that a responsibility rests upon the manufacturers selling early receivers to undertake a service to insure against radical and rapid obsolescence of the receiver purchased by the public.

C. *Scarcity of Channels*

From the standpoint of the Commission, the greatest need for technical development in television appears to be the discovery of any method which will permit all of the inherent improvements in quality and at the same time conserve the radio frequency spectrum from which all types of services, including television, must be allotted separated channels. In the frequency spectrum between 30,000 kilocycles and 300,000 kilocycles, there have been reserved 19 television channels occupying a total frequency band of 114,000 kilocycles, which is 38 per cent of the total useful radio spectrum available today for all radio services, including national defense, aircraft, ships, safety of life and preservation of property and transoceanic communications. At the present state of development 1 television channel requires a frequency band width of 6000 kilocycles, which is 600 times greater than that required for ordinary sound broadcasting as we know it today, and which is 5½ times greater than the entire standard broadcast band accommodating nearly 800 broadcast stations. There is a potential dearth of channels for television broadcasting stations in any given area because of the great width of frequency space required for each television transmission. Thus, potentially at least, it now appears that the number of television broadcasting stations in any given section of the country will be limited.

This situation will affect the licensing policy of the future and this is a factor of importance because of the effect of television upon existing industries and the social consequences involved in such effects.

The present proposed standards, while taking into consideration some of the factors involved in an "ether conservation" policy, do not appear to exhaust the possibilities of developments tending toward such conservation. Therefore, until all available information has been exhausted, it would appear to be premature for the Commission to commit itself at this time to specifying rigid transmitter performance requirements, particularly when such action would have the implication, in the minds of the public, that no changes would be required in the event of developments leading to a better solution of the allocation problem.

The Committee is none too optimistic of the practicability of obtaining substantial gains in this direction in spite of the fact that there are certain proponents claiming a practical solution of this channel question. The present conception of natural physical laws indicates that only a definite amount of information can be transmitted in a given time within a specified frequency band. Until it can be proved that the conception of this natural physical law is erroneous, the Commission cannot expect an appreciable gain in the number of channels available for television broadcasting. However, any gain would be helpful and the industry and inventive genius should be encouraged to continue efforts in research.

D. *Patents*

Inherent in the adoption of any standards of performance requirements is the question of patents. No one manufacturer seems to be in a position to place into service a complete radio television system without infringing issued or pending patents.

The patent situation is chaotic and no aggregate estimate can be made of the ultimate holder of any essential patent to a complete radio television system. However, all patentees or potential claimants to essential patents appear to recognize the necessity of coping with the situation in a common sense manner either by universal cross-licensing or by some other method. Such a cross-licensing policy might insure a desirable degree of competition in the manufacturing field provided the industry as a whole will recognize the economic impracticality of excessive accumulative royalty percentages.

The patent question is not a matter directly within the scope of the Commission's jurisdiction and requires the attention and cooperation of other agencies of the Government. Nevertheless, transmitter performance requirements which insure broad patent bases are preferable to those which narrow the base to a few patents, provided proper quality and improvements will be possible.

Therefore, before the Commission prescribes any minimum performance requirements for transmitters licensed by it, the Commission should assure itself that the resultant patent base is as broad as practicable and at the same time is consistent with good quality technical transmission to the public. However, the Commission should not permit the patent situation to become an obstacle in its encouragement of further technical developments in television. Also, the Commission should utilize caution to the end that its actions may not favor unnecessarily the patents of one person over those of another.

E. *Cost of Receivers*

Before television can become a service to the public on any scale, it is essential that the distribution of receivers in the hands of the public be general. This objective cannot be accomplished if television receivers are too costly. Consequently any standards which may ultimately be adopted should, if possible, permit simplification in the design and manufacture of receivers in order that the cost may be reduced as far as practicable. While the standards proposed by the Radio Manufacturers Association represent probably the accumulation of some of the best methods to obtain the highest practical quality consistent with the technical development existing today, the cost of manufacturing the receivers and the resulting sales prices are in the higher brackets, thus precluding purchase by large portions of the public. While mass production may reduce these costs somewhat, there is inherent in the standards this high-cost factor as compared to regular broadcast receivers of today. It is to be expected that after the initial test of television as a service on a limited scale, the manufacturing laboratories of the country will concentrate energies toward simplification and lowering cost, at the same time maintaining quality in the received picture.

In view of the fluidity and recent rapidity in technical development, it is perhaps fortunate that the initial costs of television receivers are relatively high because in so far as numbers of the public are concerned, any changes or radical improvements in transmission of television may be accomplished without inconvenience to large portions of the public generally.

F. *Interference*

One of the problems which must be faced in the development of television as a practical service to the public is the effect of electrical interference from such devices as electric razors, refrigerators, X-ray machines, diathermy machines, automobile ignition, etc. Under certain conditions these devices may have the effect of blurring or blotting out the received television picture. Insufficient information has been accumulated to date regarding the practical effects of this type of interference in actual service under various conditions. Not much is known of the public reaction to such effects in so far as is concerned the acceptability of television as a service. It is possible that one of the remedies may be a change in the design of receivers as well as the method of transmission of television. On the other hand, there may be other remedies which will become practical. Therefore, until television has been operated as a practical service to a greater extent than at present, it seems premature for the Commission to fix rigidly any requirements for transmitter performance which might have the implication of permanence.

RECOMMENDATIONS

Based upon the considerations discussed herein, the Television Committee recommends as follows:

1. That the Federal Communications Commission neither approve nor disapprove the standards proposed by the Radio Manufacturers Association. This recommendation is made first because the Commission by law is required to grant licenses to applicants for television stations who prove that the granting of such applications would be in the public interest, and, second, because it appears undesirable to take any action which discourages private enterprise or which decreases the incentive for undertaking research to effect further improvements.

The Committee suggests that in taking this action the public be informed that in failing to approve the standards the Commission does not believe the proposed standards to be objectionable as a phase of a rapidly developing service. The public should also be informed that the Commission desires to be free to prescribe better performance for the transmitters it may license in the future when and if such improvements are proved to be in the interest of the public.

Also, in making this recommendation the Committee suggests that it be made clear that the proposed standards do not at this time appear to be suitable for the 12 undeveloped higher frequency channels reserved for television.

2. That the Commission require future applicants for television station licenses proposing external transmitter performance differing from those previously in general use, to prove that such proposed performance not only equals the established quality but also will be in the public interest in view of the changed situation thus created.

3. That the Commission adopt a policy of cooperation with the industry as a whole and that it immediately arrange a procedure by which it can keep abreast of current developments in the technical phases of television and at the same time acquaint the industry with the problems inherent in the current allocation phases of television. For this purpose it is suggested that the Commission authorize its Television Committee to undertake further studies of the development of television as it progresses and to report from time to time to the Commission the status of such development, as well as to recommend any action which may appear appropriate at the time.

4. That the Commission announce that it will not hold a formal public hearing on the subject of proposed standards at this time. This recommendation is made because it does not appear that constructive results will be obtained at this early stage of development. After experimental operation has proceeded to the point where public reaction to television development can be gauged more accurately, a more opportune time for such a public hearing might then be presented.

Legal

NEW LEGISLATION

CONGRESS

S. 2466 (Senator Sheppard, D.-Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce.

STATE LEGISLATION

Florida:

H. 1493 (Griner) AMUSEMENT TAX—SCHOOL SUPPORT—Imposing certain privilege taxes for the operation of places of amusement, and for the relief and benefit of free schools. Referred to Finance and Taxation Committee.

S. 809 (Dame) AMUSEMENT TAX—Provides for distribution of any moneys which may be allocated to Citrus County as result of enactment of any amusement tax; that such moneys shall be expended on and for completion of certain projects herein mentioned. Passed Senate 5-19.

S. 827 (Rose) COOPERATIVES—AGRICULTURAL—Amending Chapter 7388, Acts 1917, as amended relative to the creation and incorporation of associations not for profit to conduct public fairs and expositions for the development of agricultural, horticultural, livestock and other resources. Referred to Finance and Taxation Committee.

Massachusetts:

H. 2224 (Reported on H. 337) EMPLOYMENT OFFICES—Providing for the regulation of private employment offices. Referred to Ways and Means Committee.

S. 525 (Reported on H. 648) ADVERTISING—Provides regulations for signs and advertising devices not now subject to regulation.

Pennsylvania:

H. 415 (Bretherick) TAX—PHONOGRAPH MACHINES—Imposing a $10 annual tax on all coin operated phonographs or machines for reproducing music from records. Referred to Ways and Means Committee. Reported with amendment 5-16.

FCC PROCEDURE CHANGE

The FCC has amended Section 12.80(f) of the Rules of Practice and Procedure designed to clarify the procedure on unopposed cases.

Section 12.80 (f) now provides:

"(f) *Proposed decision of Commission.* The Commission will thereafter enter its proposed report of findings of fact and conclusions."

The Proviso to be added to the end of Section 12.80(f), is as follows:

"Provided, however, that if the Proposed Findings of Fact and Conclusions filed by the parties present no substantial conflict, and the Commission is in accord with the ultimate conclusions proposed, it will, if it deems such action will best conduce to the proper dispatch of business and to the ends of justice, issue a final order with or without Findings of Fact and Conclusions in lieu of issuing its Proposed Findings of Fact and Conclusions in accordance with this paragraph."

EXPERIMENTAL LICENSES

The FCC has sent the following announcement to licensees of all stations in the experimental service:

The new rules governing the experimental service which were adopted today, are effective immediately in so far as all classes of stations in the broadcast service and all applicants for new experimental stations are concerned.

Existing licensees of general and special experimental stations, that is, all classes of experimental stations now authorized, except those operating in the broadcast service, are requested to submit applications for renewal by July 1, 1939. These applications would normally be filed on August 1, 1939, since they involve existing licenses which expire on October 1, 1939. In order to properly classify the existing experimental stations which desire renewal licenses under the new classes of experimental stations provided in the new experimental rules, applicants are requested to file with their application for renewal of license, the complete experimental report in conformity with the new experimental rules and regulations (Rules 52.05 or 53.05). Submission of the report by July 1 is necessary in order that the Commission may have sufficient time to study the research program of individual stations with a view to reclassification of the station in accordance with the new plan. In this connection, the Commission after study of individual applications for renewal will specify the class of experimental station, i.e., Class 1 or Class 2 as the case may be, in renewal licenses which may be granted.

For the information of those who are authorized to operate experimentally under the provisions of former Rule 320 as a station in a service recognized in the Commission's plan of allocation, individual instructions will be given as to the process of conversion of these experimental licenses to regular service licenses. The Rules and Regulations of the Commission governing individual services are being modified to include the frequencies allocated by Order 19 as rapidly as possible. The revised rules governing stations in the fixed service have already been issued and it is expected that revised rules governing aviation and maritime services will be issued in ample time to permit the conversion of experimental licenses to regular service before October 1, 1939.

FCC BROADCAST MEASUREMENTS

During the month of April, experts of the Federal Communications Commission made measurements of 716 stations with 48 stations not measured.

Of this number the maximum deviation within 0-10 cycles was recorded for 648 stations, while 58 stations showed a maximum deviation of 11-25 cycles, with 10 stations showing a deviation of 26-50 cycles. None of the stations showed a deviation of over 50 cycles.

SHIPS GET SHORT-WAVE PROGRAMS FROM UNITED STATES

The range of reception of American short-wave radio programs was recently extended when the Electrical Division of the Department of Commerce expanded its world-wide distribution of advance schedules of American short-wave broadcasts to include steamships operating between the United States and foreign countries.

This service enables radio operators aboard ship to readily select radio programs for the entertainment of their passengers from the wide variety of broadcasts transmitted by all the United States short-wave stations. The offer of the Electrical Division to make these programs available to ocean liners was accepted by the European and eight United States steamship lines operating more than 100 of the largest passenger vessels now in service.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Service Organization, Inc., licensee of WORL, **Boston,** to operate the station unlimited time with 1000 watts, using a directional antenna at night. The station now operates on **920 kilocycles,** with 500 watts LS at Boston.

The Commission stated that the operation of the station as proposed would not provide a full-time "local service for metropolitan Boston because of objectionable interference during nighttime hours which would be caused by existing licensed radio stations, particularly WPEN at Philadelphia, Pa."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission granted the application of KFBI to move the station from **Abilene,** to **Wichita, Kansas,** and to install a new transmitter and vertical antenna. The station operates on **1050 kilocycles,** 5000 watts power LS at Los Angeles, Cal.

The Commission found that the applicant is in all ways qualified to move and operate the station. It was stated by the Commission that "there is no evidence in the record from which the Commission can conclude that the granting of this application would prevent either Station KANS or Station KFH in Wichita from continuing to operate in the public interest, convenience and necessity." It was further found by the Commission that the granting of the application will not result in increased objectionable interference to any existing station "nor are there any pending applications with which objectionable interference can be expected."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission granted the application of Mary P. Martin, Administratrix of the estate of George W. Martin, deceased, to transfer the control of Station WGAN, **Portland, Maine,** to the Gannett Publishing Company, Inc. The station operates on **640 kilocycles,** 500 watts power, limited until sunset at KFI, using a directional antenna.

Chairman McNinch and Commissioner Thompson did not participate in this decision.

Application of the KTSA Broadcasting Company, **San Antonio, Texas,** for consent to assignment of license for Station KTSA from the present licensee to the Sunshine Broadcasting Company. The station operates on **550 kilocycles,** 5000 watts LS, 1000 watts night, unlimited time.

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission has granted the application of Sweetwater Radio, Inc., for a new station at **Sweetwater,**

Texas, to use **1210 kilocycles,** 250 watts, daytime only, upon the expressed condition that:

"The permittee herein shall file an application for modification of construction permit specifying the exact transmitter location and antenna system within two months after the effective date of this order. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 29. They are subject to change.

Monday, May 29

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., **990 kc.,** 1 KW, daytime.

Thursday, June 1

Oral Argument Before the Commission

Report of the Committee:

RULES GOVERNING STANDARD BROADCAST STATIONS

Thursday, June 1

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.,** 100 watts, unlimited time.

Friday, June 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

June 15

Further Argument Before the Commission

Examiner's Report No. I-664:

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., **1010 kc.,** 250 watts, unlimited time.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., **1010 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1360 kc.,** 500 watts, shares WGES.

Oral Argument Before the Commission

Commission's Proposed Findings B-6:

NEW—Pillar of Fire, Zarephath, N. J.—C. P., **6080, 11830, 17780 kc.,** 5000 watts, 5000 watts LS, Emission A-3, unlimited time.

June 19

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares WBNO.

June 30

KALE—KALE, Inc., Portland, Ore.—C. P., **1300 kc.,** 1 KW, 5 KW LS, unlimited time. Present assignment: **1300 kc.,** 1 KW, unlimited time.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.,** 500 watts, Emission A-3, unlimited time, according to Rule 983.

July 12

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **570 kc.,** 1 KW, unlimited time (DA night and day). Present assignment: **1500 kc.,** 100 watts, unlimited time.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

July 24

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.,** 100 watts, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WHAT—Public Ledger, Inc., Philadelphia, Pa.—Granted authority to transfer control of corporation from Public Ledger, Inc., to Bonwit-Teller and Company. Station operates on **1310 kc.,** 100 watts, shares WTEL.

WQDM—Regan and Bostwick, St. Albans, Vt.—Present license further extended on a temporary basis only, for a period of one month from June 1, pending receipt of additional information requested by the Law Department.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—The Commission having under consideration the application for renewal of license of station WHOM for the period November 1, 1938, to May 1, 1939, and a petition to grant same without hearing, today granted said application and petition (Commissioner Payne voting "No"), and renewed the license of WHOM for the period ending November 1, 1939.

KVNU—Cache Valley Broadcasting Co., Inc., Logan, Utah.—Present license extended on a temporary basis for a period of 30 days, pending receipt of application for consent to transfer control of station.

WAAB—The Yankee Network, Inc., Boston, Mass.; WAAB (Auxiliary)—The Yankee Network, Inc., Boston, Mass.—Granted renewal of license upon a temporary basis only upon the express condition that it is subject to whatever action may be taken upon pending applications for renewal and for C. P. Renewal application was designated for hearing to be heard with the Mayflower Broadcasting Corp. application which is applying for facilities of WAAB.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license extended on a temporary basis for period of one month, upon condition that (a) hours of operation comply with Rules 151 to 163 inclusive, (b) equipment and operation comply with Rules 125 to 143 inclusive, and (c) frequency control and check comply with Rules 144 to 147 inclusive.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted assignment of license of station WCOV to the Capital Broadcasting Co., Inc.

KRQA—J. Laurence Martin, Santa Fe, N. Mex.—Granted voluntary assignment of license from J. Laurence Martin to New Mexico Broadcasting Company; station operates on frequency **1310 kc.,** 100 watts, unlimited.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted authority to transfer control of corporation from its present stockholders to Mrs. Hugh M. (Nancy) Curtler; station operates on **1420 kc.,** 100 watts night, 250 watts day, unlimited time.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearings have not yet been set.

WCBS—WCBS, Inc., Springfield, Ill.—Application for C. P. already in hearing docket amended so as to request move of transmitter site locally from 2200-06 S. Sixth St. to 3.5 miles southeast of city, Route 24; install new equipment and DA system, and change frequency from **1420 kc.** to **1290 kc.**; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, employing DA for nighttime operation. Application designated for hearing because of pending applications which involve increase in service and interference.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Application for modification of license to change time of operation from S.H. (all hours not used by WSVS) to unlimited time. Application designated for hearing to determine whether it would better serve public interest, convenience and necessity to grant to applicant herein the facilities now licensed to WSVS as requested in instant application, and to determine the need for additional service in the area proposed to be served.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Special experimental authorization to rebroadcast WLW facsimile signals between the hours 1:05, CST, and 2:15 a. m., CST, to be broadcast over applicant's regular broadcast station WLAP, using 250 watts night. Designated for hearing (1) to determine whether the applicant will comply in all respects with the rules and regulations of the Commission governing the operation of facsimile broadcast stations, particularly Sec. 43.31, and (2) to determine whether the applicant has complied with the order of the Commission on January 31, 1938, governing the monitoring schedule of broadcast stations.

NEW—Union Broadcasting Company, Scranton, Pa.—Application for C. P. for new station to operate on frequency **1370 kc.**, with 100 watts night, 250 watts day, unlimited time. Designated for hearing to determine if interference would result with existing stations and pending applications involve increase in service and interference.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending December 1, 1939:

KAND, Corsicana, Tex.; KASA, Elk City, Okla.; KBND, Bend, Ore.; KCKN, Kansas City, Kans.; KFJI, Klamath Falls, Ore.; KFPL, Dublin, Tex.; KFVS, Cape Girardeau, Mo.; KFYO, Lubbock, Tex.; KGEZ, Kalispell, Mont.; KGFW, Kearney, Neb.; KGY, Olympia, Wash.; KHBG, Okmulgee, Okla.; KLAH, Carlsbad, N. Mex.; KOCY, Oklahoma City, Okla.; KPDN, Pampa, Tex.; KPFA, Helena, Mont.; KRMD, Shreveport, La.; KROC, Rochester, Minn.; KRQA, Santa Fe, N. Mex.; KRRV, Sherman, Tex.; KSRO, Santa Rosa, Calif.; KTSM, El Paso, Tex.; KVOL, Lafayette, La.; KVOX, Moorhead, Minn.; KWOC, Poplar Bluff, Mo.; KWOS, Jefferson City, Mo.; KXRO, Aberdeen, Wash.; WAML, Laurel, Miss.; WBEO, Marquette, Mich.; WBOW, Terre Haute, Ind.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WCLS, Joliet, Ill.; WCPO, Cincinnati, Ohio; WEBR and auxiliary, Buffalo, N. Y.; WEMP, Milwaukee, Wis.; WFDF, Flint, Mich.; WGAU, Athens, Ga.; WGH, Newport News, Va.; WGTM, Wilson, N. C.; WHAT, Philadelphia, Pa.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WLNH, Laconia, N. H.; WJAC, Johnstown, Pa.; WMBO, Auburn, N. Y.; WMFF, Plattsburg, N. Y.; WNBH, New Bedford, Mass.; WRAW, Reading, Pa.; WROL, Knoxville, Tenn.; WSAJ, Grove City, Pa.; WSIX, Nashville, Tenn.; WTEL, Philadelphia, Pa.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WCMI, Ashland, Ky.; WLBC, Muncie, Ind.

KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted renewal of license for the period ending November 1, 1939.

WBCM—Bay Broadcasting Co., Inc., Bay City, Mich.—Granted renewal of license for the period ending November 1, 1939.

Licenses for the following stations were extended upon a temporary basis only, pending receipt of and determination upon applications for renewal, but in no event longer than July 1, 1939:

KAST, Astoria, Ore.; KHUB, Watsonville, Calif.; WBBZ, Ponca City, Okla.; WBRY, Waterbury, Conn.; WRBL, Columbus, Ga.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted renewal of license on a temporary basis only for the period ending December 1, 1939, upon the express condition that it is subject to whatever action may be taken upon pending application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon the pending application for renewal of license of KVOS and pending application of the Bellingham Broadcasting Co., Inc.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

WJBW—Charles C. Carlson, New Orleans, La.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

WJRD—Thomas R. Doss, Jr., Tuscaloosa, Ala.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only pending determination upon the application for renewal, but in no event longer than July 1, 1939.

WTAQ—WHBY, Inc., Green Bay, Wis.—Present license further extended upon a temporary basis only pending determination upon the application for renewal, but in no event longer than July 1, 1939.

KSUB—Leland M. Perry, Cedar City, Utah.—Present special temporary authorization to operate station KSUB was extended upon a temporary basis only for the period ending July 1, 1939, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to station KSUB, and subject further to the condition that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

WOLS—O. Lee Stone, Florence, S. C.—Granted renewal of license on a temporary basis only for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal and upon the application of the Pee Dee Broadcasting Company for C. P. to erect a new station.

W1XCS—Connecticut State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W1XEV—Connecticut State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W3XDD—Bell Tel. Labs., Inc., Whippany, N. J.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license was further extended on a temporary basis only for the period ending July 1, 1939, pending determination upon application for renewal.

Licenses for the following high frequency broadcast (experimental) stations were further extended on a temporary basis to July 1, 1939, pending determination upon applications for renewal:

W8XWJ, Detroit, Mich.; W9XLA, Denver, Colo.; W2XQO, Flushing, N. Y.; W4XCA, Memphis, Tenn.; W4XBW, Chattanooga, Tenn.; W5XAU, Oklahoma City, Okla.

MISCELLANEOUS

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station on frequency **25700 kc.** only, pending correspondence with applicant to determine past and proposed use of facsimile authorization, not to exceed 30 days.

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from local sunset (May 7:45 p. m., CST) to conclusion of ceremonies incident to banquet of the State Convention of the Knights of Columbus on May 21.

WTAR—Broadcast Station WTAR, Norfolk, Va.—Granted extension of authority to operate with 1 KW night, non-directional antenna, from May 11 for a period of 30 days. Authority to operate with 5 KW night not effective until directive antenna is reconstructed and proof of performance approved by Commission. (This action supersedes action of May 16 in granting authority to operate with 5 KW night for period of 30 days.)

KAZW—Harold Gillam, Fairbanks, Alaska.—Designated for hearing and granted temporary authority pending outcome of hearing, application for C. P. and license for change in equipment and use of green chain frequencies.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Denied motion to consolidate application of KGLO for C. P. to change frequency and power, with renewal application of KWLC, Decorah, Iowa, now scheduled for hearing on June 27.

KWLC—Luther College, Decorah, Iowa.—Granted motion to accept late appearance in re application of KGLO, mentioned above.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of WGBF, Evansville, Ind., and dismissed petition to consolidate in a single hearing applications of KXOK, WGBF, KFRU and KWK.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of KXOK, St. Louis, Mo., and dismissed petition to consolidate in a single hearing applications of KXOK, AGBF, KFRU and KWK.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for order to take depositions in re application for C. P. to change frequency, power, and time of operation.

NEW—Lawrence J. Heller, Washington, D. C.—Granted petition for extension of time for filing proposed findings of fact and conclusions from May 22 to on or about June 12, 1939, in re application for new station in Washington, D. C., and special experimental authorization.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for continuance of hearing now scheduled for June 5, for approximately 60 days, new date to be fixed by Secretary's Office, on application for C. P. to change frequency and power.

W9XTA—E. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted petition requesting change in date of hearing on application for renewal of license for high frequency broadcast station, from May 29, pending amendment of application.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted petition for order to take depositions in re application for C. P. to change frequency, power and time of operation.

NEW—Central Broadcasting Corp., Worcester, Mass.—Granted petition to intervene in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester, Mass.

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Denied petition to hold application for modification of license to change frequency, power, and time of operation, in the pending files. (Hearing on this application now scheduled for June 21.)

NEW—Edwin A. Kraft, Fairbanks, Alaska.—Denied motion to dismiss application for C. P. to operate on **610 kc.,** 1 KW, unlimited time, without prejudice, and dismissed same with prejudice.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted petition in part to dismiss without prejudice application for C. P. to change frequency and increase power. Commission to retain application in its files instead of returning it to applicant as requested.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate from local sunset (May, 6:30 p. m., and June, 7 p. m., CST), to the conclusion of baseball games to be played on May 20, 22, 23, 24, 25, 26, 29, 30, 31 and June 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14, using 50 watts only, and subject to compliance with Rule 15.15.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 5 to 6 p. m. and from 10 to 12 midnight, AST, on May 22, in order to broadcast graduation exercises from the College of Agriculture and Mechanical Arts.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted authority to operate from 8 to 8:30 p. m., CST, on May 30, to broadcast 20th Century Fox program, consents from KOB and KEX having been received.

KSFM—National Broadcasting Co., Inc., New York City—Granted extension of special temporary authority to operate Relay Broadcast Station KSFM aboard Boeing seaplane "Yankee Clipper" on the frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.,** in addition to the normal licensed frequencies for the period May 28 to June 26, for transmission of special program features from newly developed Boeing seaplane on first public service flight to Europe.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from Relay Broadcast Station W8XIG, in accordance with Police Field Day activities, May 25.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period June 1 to June 30, in order to broadcast certain educational programs.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST) to 11:05 p. m., on May 29 and 30, in order to broadcast the closing exercises of Longview Public Schools, using 100 watts only.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (June, 7:45 p. m., CST), to 10:30 p. m. on June 4, 11, 18, 25, in order to broadcast church services; to operate from local sunset to 10 p. m., CST, on June 5, 12, 19, 26, in order to broadcast "Okmulgee Little Theater of the Air".

W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test relay broadcast equipment of station W1XOK authorized by C. P. granted January 24, on the frequency **13226 kc.** in lieu of authorized frequencies, power 250 watts, for the period May 31 to June 29, pending definite arrangements to be made in ultra high frequency bands (provided all operation is to be on a non-interference basis and in accordance with Sec. 40.04).

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P., on frequency **43000 kc.,** with power not to exceed 2 KW, for a period not to exceed 30 days, in order to make necessary adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 ft. mast.

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 10 to 12 p. m., EST, on May 29, in order to broadcast Patriotic Ball.

WNAD—Univ. of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on June 11, 18 and 25, in order to broadcast special educational programs (provided KGGF remains silent).

KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on June 1, 6 and 8, and from 8:15 to 9:15 p. m., CST, on June 7, in order that WNAD may remain silent for closing of Spring Semester and opening of summer term (provided WNAD remains silent).

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted extension of special temporary authority to operate on Daylight Saving Time for the period June 1 to September 24, instead of Central Standard Time as specified in license.

KGCA—Charles Walter Greenley, Decorah, Ia.—Granted special temporary authority to remain silent for a period not to exceed 30 days, pending KWLC's compliance with Rule 131.

W3XL-W3XAL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COEX for the period June 2 to July 1, 1939.

NEW—William F. Huffman, Wisconsin Rapids, Wis.—Pursuant to the Commission's action of May 16, 1939, in designating for further hearing, upon issues to be specified by the Commission the application for a C. P. to erect a new station to operate on **580 kc.,** 250 watts, unlimited time, DA during nighttime hours, the following Bill of Particulars was today approved: (1) To determine whether there is available a frequency which will provide service to the area proposed to be served in keeping with the Commission's plan of allocation; (2) To determine whether or not the use of the frequency **580 kc.,** with 250 watts unlimited time, with DA during nighttime hours, will provide adequate service for the proposed area to be served and would be consistent with sound principles of allocation.

WINS—Hearst Radio, Inc., New York City.—Application for C. P. to make changes in transmitting equipment and antenna, granted by the Commission on January 4, 1939, was retired to the closed files as applicant has returned the C. P. to the Commission, since the changes originally proposed are no longer desired.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted petition for rehearing in re application for new transmitter, change in frequency from **1420** to **1120 kc.,** and power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, DA at night; set aside the Statement of Facts, Grounds for Decision and Order of March 27, 1939, and remanded application for further hearing on questions relating to the issue of interference.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted petition for rehearing, in re application for C. P. to increase power from 500 watts to 1 KW on frequency **1120 kc.,** unlimited time (except from 8 to 9 p. m., Mondays); set aside Statement of Facts, Grounds for Decision and Order of March 27, 1939, and remanded for further hearing on questions relating to the issue of interference.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Me.—The Commission, upon its own motion, continued hearing now scheduled for June 2, until further notice, in order that applicant may be given further opportunity to submit additional engineering data in support of application for authority to increase daytime power from 100 watts to 250 watts.

APPLICATIONS FILED AT FCC

1190 Kilocycles

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Modification of construction permit B5-P-2055, to change frequency, increase power, change hours of operation, install new transmitter, and directional antenna (night use), further requesting authority to make changes in directional antenna and change type of transmitting equipment. Extend commencement and completion date 30 and 180 days.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to make changes in hours of operation by adding hours from 8 to 10 p. m., each night (hours to be withdrawn from WCAM and WCAP).

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—Construction permit to replace tower demolished by hurricane and make changes in antenna.

1370 Kilocycles

NEW—Tom M. Bryan, Ft. Lauderdale, Fla.—Construction permit to erect a new station to be operated on **1370 kc.,** 100 watts night; 250 watts day, unlimited time. Amended: To give transmitter location as site to be determined, Ft. Lauderdale, Fla., and antenna to be determined.

WBLK—The Exponent Co., Clarksburg, W. Va.—License to cover construction permit B2-P-2110, for equipment changes and increase in power.

1420 Kilocycles

NEW—C. L. Weathersbee, W. H. Nichols, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—Construction permit for a new station to be operated on **1420 kc.,** 100 watts power, daytime hours of operation. Amended: to change name by adding C. L. Pickler to partnership, change requested frequency to **1370 kc.,** make changes in equipment.

KRIC—Beaumont Broadcasting Association (B. A. Steinhagen, Pres.), Beaumont, Texas.—Voluntary assignment of license from Beaumont Broadcasting Association (B. A. Steinhagen, Pres.) to KRIC, Incorporated.

KXL—KXL Broadcasters, Portland, Oregon.—C. P. to install new transmitter and directional antenna for day and night use, change frequency from **1420** to **730 kc.,** increase power from 100 watts; 250 watts-LS to 10 KW, change hours of operation from shares-KBPS to unlimited, move transmitter and studio from 4th and Pine Sts., Portland, to Trans-7 mi. S. E. of Portland, Oregon, and studio to 1101 S. W. Washington, Portland, Oregon.

MISCELLANEOUS

W2XVP—City of N. Y. Municipal Broadcasting System, New York, N. Y.—Modification of construction permit requesting extension of commencement and completion dates to 60 days after grant and 180 days thereafter. Amended: change date of required completion of construction to 12-15-39.

NEW—WDAY, Incorporated, Portable-Mobile, area of Fargo, N. Dak.—Construction permit for a new portable-mobile relay station on **30820, 33740, 35820, 37980 kc.,** 25 watts power. A-3 emission.

WNYK—City of New York, Municipal Broadcasting System, Portable-Mobile, New York, N. Y.—License to cover construction permit B1-PRY-164, for a new low frequency relay station.

WNYL—City of New York, Municipal B/c System, Portable-Mobile, New York, N. Y.—License to cover construction permit B1-PRY-165, for new low frequency relay station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Arlin Tailoring Company—See Strauss Tailoring Company.

Bell Tailoring Company—See Strauss Tailoring Company.

Federal Tailoring Company—See Strauss Tailoring Company.

Gordon-Gordon, Ltd., Chicago, cosmetics manufacturer, and its subsidiary distributing company, Princess Pat, Ltd., have been served with a complaint alleging misleading representations.

In selling their "Princess Pat" line of cosmetics, the respondents are alleged to represent, directly and by implication (1) that competing face powders contain orris root and other irritative ingredients not to be found in "Princess Pat Powder"; (2) that the almond in the respondents' powder is beneficial; (3) that use of this powder keeps the skin soft and pliant; (4) that the powder is non-allergic to all persons; (5) that the respondents' "Muscle Oil" penetrates beneath the surface and beneficially affects underlying facial muscles; (6) that their "Skin Cleanser" will prevent coarse pores and skin eruptions, and (7) that their "Skin Food Cream" or "Anti-Wrinkle Cream" nourishes and feeds the skin, is a tonic for the underlying nerves and smooths out and prevents lines and wrinkles. (3793)

James Heddon's Sons—Alleging misleading representations in the sale of fishing rods a complaint has been issued against James Heddon's Sons, Dowagiac, Mich.

It is alleged that in violation of the Federal Trade Commission Act, the respondent corporation represented that all hollow steel fishing rods other than its "Improved Heddon Pal," have a thick wall at the tip and a thin wall at the butt end whereas the new Heddon "Pal" steel rod has a thin wall at the tip end and a thick wall at the butt end.

The respondent further is alleged to have represented that tests have been made by expert testers of casting rods who are independent of the respondent, and that such tests have shown the "Improved Heddon Pal" as being "best-by-test." (3792)

McKesson & Robbins, Inc., manufacturing druggists, with headquarters in Bridgeport, Conn., have been served with a complaint alleging unfair trade practices in the sale of Calox Tooth Powder.

In advertising this product, McKesson & Robbins, it is alleged, have advised that "For teeth that 'shine like the stars' use Calox Powder," this slogan having been used in connection with pictures of popular cinema stars.

Through such advertising, the respondent is alleged to have falsely represented, directly and by implication, that movie stars have white, clear and sparkling teeth because they use Calox Tooth Powder; that Calox alone keeps their teeth in that condition, and that anyone who uses Calox can have teeth as beautiful as those of Hollywood's stars.

The complaint alleges that movie stars do not depend on the respondent's product or any other dentifrice alone but employ the services of dentists who give them regular prophylactic treatments, and that the permitted appearance of the stars' pictures and testimonials in the McKesson & Robbins advertising is the result of a reciprocal publicity arrangement primarily intended for advertising value in promoting the screen careers and popularity of the performers. (3791)

Princess Pat, Ltd.—See Gordon-Gordon, Ltd.

Strauss Tailoring Company—Julius M. Firk, trading as Strauss Tailoring Company, Federal Tailoring Company, Bell Tailoring Company, the Arlin Tailoring Company, 224 South Wells St., Chicago, is charged in a complaint with misrepresenting in price lists, markers and various advertising matter that certain of the fabrics distributed by him are composed entirely of wool, when they are in fact part wool and part cotton, rayon, or other materials, and that the lining materials are composed predominantly of silk when in fact they are composed entirely of rayon. (3788)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Kastar Specialty Manufacturing Company, Inc., 510 Sixth Ave., New York, has been ordered to discontinue representing that it manufactures the automobile accessories it sells unless and until it owns and operates a plant in which such articles are made.

Findings are that the respondent company used on its printed matter the wording: "Mfd. by Kastar Specialty Manufacturing Company, Inc., New York, U. S. A." However, according to findings, this company obtains the products it sells from plants which it does not own, operate or control. (3746)

Novelty Distributing Company—J. C. Robertson, trading as Novelty Distributing Company, 117 West Harrison St., Chicago, has been ordered to cease and desist from lottery methods in connection with the distribution of clocks.

The Commission's findings are that the respondent, in soliciting the sale of and in selling and distributing clocks, supplies merchants with push cards, thus placing in the hands of others the means of conducting lotteries in the sale of his merchandise to ultimate purchasers. (3178)

Richard Rosebury Organization, Inc., 522 Fifth Ave., New York, has been ordered to cease misrepresentation in the soliciting of subscribers for magazines.

The Commission finds that solicitors of the respondent represented to prospective subscribers that they would receive two or more designated magazines at a price and for a period stated by the solicitor, but that this representation was not fulfilled.

The respondent is ordered to cease representing that a subscriber is to receive a greater number of magazines than those actually delivered and from accepting subscriptions for magazines not actually delivered. (3710)

Superyarn Company—Adolph Friedman, trading as Superyarn Company, 353 Grand St., New York, seller and distributor of textile fabrics and knitting yarns, has been ordered to cease and desist from representing that his products are composed of fibers or materials other than those of which they actually are composed.

The respondent was found to have misrepresented the constituent fiber of his products by means of false advertising and by failure to disclose the rayon content of certain articles.

Findings are that the respondent falsely used the terms "Zephyr Tweed" and "Tweed Velenette" on labels, and in advertising material and catalogs, to designate a yarn product composed in part of wool and in part of rayon, the word "Cashmere" to describe products not containing the hair of the Cashmere goat, and the term "Silk Boucle" to designate an all-rayon article.

The Commission ordered the respondent to cease and desist from using the words "tweed" or "wool" or other words of similar import to describe any fabric not composed entirely of wool; from misrepresenting or overstating the quality, grade or character of his products; and from using the word "Cashmere" to describe or designate any fabric or product not composed wholly of the hair of the Cashmere goat. (3753)

Uneeda Underwear Company—Misleading representations in the sale of women's knitted undergarments brought a cease and desist order against Abraham Tabachnick, a manufacturer, trading as Uneeda Underwear Company, 335 Van Siclen Ave., Brooklyn, N. Y.

The order forbids representation that any fabric or other product has a stated percentage of silk and wool or silk or wool unless in fact they are contained in the proportions stated, and prohibits advertisement of fabrics or other products composed wholly or partly of rayon without clear disclosure of this fiber's presence. When such fabrics or products are partly rayon and partly other fibers and materials, such fibers or materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent. (3686)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Addison Sponge Company, Inc., 241 West 4th Street, Cincinnati, engaged in selling sponges and chamois skins, agreed to discontinue certain misrepresentations in the sale of its products under a stipulation.

The respondent corporation will cease and desist from use in its advertising matter or otherwise of statements or representations the effect of which is to convey the belief that Addison Sponge Company, Inc., actually owns and operates or controls a sponge packing house at Tarpon Springs, Fla., or elsewhere; that a business which it purchased from The Jos. Niehaus Co., Cincinnati, was that of a packer and producer of sponges, and that the Addison Sponge Company, Inc., succeeded to such business as a producer and packer of sponges. It will also discontinue use of cuts or pictorial representations of any building together with descriptions implying that the corporation uses or occupies the whole of such building in the conduct of its business, when this is not a fact. (2465)

Bankers & Merchants Stamp Works, Inc.—Unfair trade practices in the sale of signature stamps will be discontinued by Bankers & Merchants Stamp Works, Inc., 3215 Sheffield Ave., Chicago under a stipulation. The respondent company manufactures signature stamps, numbering machines, time stamps, notary seals and other marking devices.

The stipulation recites that Bankers & Merchants Stamp Works, Inc., arranged with The Autograph Engravers, Chicago, to sell the latter's hand-engraved signature stamps, when, in fact, the product actually sold was not the hand-engraved signature stamp of The Autograph Company but a wood-cut product of the respondent's own manufacture. The result was that purchasers received articles they did not intend to buy. (2469)

Blackstone Hosiery Mills, Inc.—Two North Carolina manufacturers have entered into stipulations to discontinue misleading representations in the sale of hosiery. They are Blackstone Hosiery Mills, Inc., and Waldensian Hosiery Mills, Inc., both of Valdese, N. C.

Each manufauturer agrees to cease using on transfers, brands or other markings of its products the phrase "Made in English Fashion" as descriptive of hosiery not so made. They will discontinue characterizing a product in any manner implying that it is an English product or is of a style and quality known as "English Ribbed" hose, when such is not a fact.

"English Ribbed" hose, according to the stipulation, is a distinctive type and quality originating in England and manufactured there under a patented process and in this country under license. (2466-2467)

Imperial Merchandise Company, Inc., 893 Broadway, New York, has entered into a stipulation to cease and desist from the use of lottery methods in the sale of products to ultimate consumers. The respondent company sells merchandise consisting of necklaces and sales cards or boards, through its secretary, Louis Bloom, under the registered trade name "Trans-Pacific Import Company."

The respondent agrees to discontinue supplying or placing in the hands of others punch boards, push cards or other lottery devices to enable such persons to dispose of its merchandise. (2464)

Joseph Levay, Inc.—Misleading representation of the fiber content of fabrics from which women's dresses are made will be discontinued by Joseph Levay, Inc., manufacturer, 498 Seventh Avenue., New York under a stipulation.

The respondent agreed to cease invoicing, branding, labeling, advertising or otherwise representing any product containing rayon, in whole or in part, without making full, proper and non-deceptive disclosure of the fiber content therof by stating the names of the fibers present in the order of their predominance by weight and by giving the percentages of any fibers which are or may be present in less than a substantial proportion. (2468)

Neonite—A stipulation to discontinue misleading representations in the sale of sign letters, has been accepted from Fred M. Cole, trading as Neonite, Akron, Ohio.

The stipulation shows that Cole advertised "gold * * * sign letters for windows," and represented that "* * * letters are produced * * * in * * * gold and silver."

In his stipulation, the respondent admits that the letters he sells are neither made in whole nor in part of gold or silver and he agrees to cease using in advertisements the words "gold" or "silver" or other words implying that his products are made in whole or in part of those metals, when such is not a fact. (02378)

Waldensian Hosiery Mills, Inc.—See Blackstone Hosiery Mills, Inc.

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against General Concessions Corporation, 6545 Carnegie Ave., Cleveland, manufacturer and distributor of candies, charged with the use of a scheme involving lottery in the sale of its products to ultimate consumers.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts warrant.

NAB Reports
The National Association of Broadcasters

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 22, June 2, 1939

The Week In Washington

The NAB learned from reliable sources this week that there was only faint possibility that Congress would consider new broadcasting legislation this year.

The arrival of hot weather has, as usual, spurred adjournment talk. The calendar is still so crowded with legislation in which both Congress and the administration appear to be vitally interested that any major reform of broadcasting regulation probably will be left over for the session starting next January.

Of course, there remains the danger that the bill to prohibit beer and liquor advertising might slip through in the last-minute rush. The International Copyright Treaty also remains on the Senate calendar.

Extension of the normal broadcasting license period to three years was advocated by the NAB during argument on exceptions to the FCC committee report on new rules and regulations. Philip G. Loucks, appearing for the NAB as special counsel, commended the committee for recommending an increase in the license period from six months to one year, but added that "far greater stability is needed."

It is now understood that the FCC, in calling the industry's attention recently to Section 317 of the Communications Act, had in mind particularly sponsored talks, and not spot announcements and participating programs.

Both the Code and Copyright Committees met in New York on Thursday. The Code Committee was expected to make the final draft of program standards to be presented to the Atlantic City convention July 10-13. The Copyright Committee was to review the progress to date of ASCAP negotiations and to consult with Neville Miller on future steps.

FCC CONFIRMS INTERPRETATION OF SECTION 317

When the FCC recently called the attention of the broadcasting industry to Section 317 of the Communications Act, a number of broadcasters were concerned about the industry's general practice with regard to spot announcements and participating programs.

It was understood that the Commission, in calling the industry's attention to the Act's requirement that sponsors be identified, had in mind particularly sponsored talks. It is also understood that the industry's present general practice with regard to spot announcements and participating programs was not involved, and that this present general practice is considered to meet the intent of the Act.

With regard to sponsors, it is understood that their identification does not mean that the complete name of the advertiser must be given if the advertiser is identified by the name commonly recognized by the public as referring to that advertiser.

The following letters were exchanged between the NAB and the FCC:

May 23, 1939

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

Please permit me to refer to the Commission's release No. 34075 of May 16, which called attention to the requirements of Section 317 of the Communications Act of 1934, reading as follows:

"Sec. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly

(Continued on page 3514)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FCC CONFIRMS INTERPRETATION OF SECTION 317

(Continued from page 3513)

or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished as the case may be, by such person."

It is my understanding this release was occasioned by reports from the Commission's field representatives that in several instances a few stations had neglected to sufficiently identify sponsors, particularly in connection with time purchased for talks.

Heretofore we have interpreted the provisions of Sec. 317 as follows: "The station is required to announce the sponsor of the program in such language as will acquaint the listener with the fact that the program is being broadcast as an advertisement if such is the case. The Federal Radio Commission ruled that advertising must be presented as such and not disguised, applying the same principle which has been applied to newspapers to prevent an advertisement from appearing on the surface to be a news item (see Third Annual Report, Federal Radio Commission, page 35). The plain intent of the Section is to prevent a fraud being perpetrated on the listening public. Therefore, reference to the sponsor in such manner as to indicate to the listener that the program is paid for by the sponsor should be sufficient without the necessity of specifically using the words "paid for." An announcement of the fact that the program is presented by the "X" company or that it is sponsored by the "X" company would appear to satisfy the provisions of the statute, since these terms have been publicized to such an extent by radio that the public understands such programs are paid for and are for the purpose of advertising the product of the sponsor. On the other hand, if the name of the sponsor is mentioned in such manner that it might be construed as an editorial comment on the part of the station or as an item of news, it would be contrary to the provisions of the Section."

In view of the number of requests for information received as a result of the Commission's release, it will be greatly appreciated if you will advise whether the foregoing interpretation is in accord with that of the Commission.

Sincerely,
ANDREW W. BENNETT, *Counsel.*

Mr. Andrew W. Bennett
Counsel, National Association of Broadcasters,
1626 K Street, N. W.,
Washington, D. C.

Dear Sir:

This will reply to your letter of May 23, 1939, inquiring as to whether an interpretation given by you of Section 317 of the Communications Act is in accord with that of the Commission.

The statute does not specify the exact language of the required announcement. You are informed that the Commission regards an announcement that a particular program is sponsored as in substantial compliance with Section 317 when the name of the sponsor is given. The interpretation given in your letter would seem to properly reflect the purpose and spirit of the section.

Very truly yours,
T. J. SLOWIE, *Secretary.*

ENGINEERING CONFERENCE

The informal engineering conference on the Proposed Standards of Good Engineering Practice will be held as scheduled on June 5, 1939, in Room 1411 of the New Post Office Building beginning at 9:30 a. m., E.S.T.

R. M. Wilmotte, acting NAB engineer, and several members of the engineering committee will represent the NAB.

FLORIDA PASSES NEW MONOPOLY AND LIBEL BILLS

Both houses of the Florida legislature unanimously passed a new law seeking to curb the activities of pools controlling public performance of copyrighted music, and the new statute now is before the Governor for approval.

The new statute substantially is the same as that enacted in North Dakota (NAB REPORTS, March 10, p. 3335) and supersedes the objectionable features of the 1937 Florida law. However, the new statute expressly provides that it shall not be construed as modifying any of the provisions of the state law with respect to the monopolies and restraints of trade. It leaves on the statute books those provisions of the Florida 1937 statute which Associate Justice Black of the United States Supreme Court held in his minority opinion, April 17, to be violated by ASCAP (NAB REPORTS, April 21, pp. 3429-3431). Attorneys regard this action by the state legislature as removing the objectionable features of the 1937 law and as leaving the pending Florida-ASCAP suit open for a decision on the monopoly question unencumbered by sections of the statute believed by attorneys to be unconstitutional.

In addition, both houses of the legislature by a unanimous vote enacted a statute protecting broadcast stations against liability for defamation. Details of this statute are not available at the time of going to press.

NAB URGES LONGER LICENSE AT FCC ARGUMENT

Extension of the normal broadcasting license period to three years was advocated by the NAB this week during argument on exceptions to the FCC committee report on new rules and regulations.

Philip G. Loucks, appearing for the NAB as special counsel, commended the committee for recommending an increase in the license period from six months to one year, but added:

> "However, far greater stability is needed than that which will be supplied by extending the normal license period to one year. Perhaps, in the future, it may become necessary for Congress to provide for a much longer term. The Association considers the committee's recommendation as a step in the direction of greater stability from which will flow improved service to the public; but it is respectfully suggested, however, that further study in the future will reveal that the same reasons for extending the term for a period of one year may be applied with equal or greater force for a longer period."

The NAB Engineering Committee will deal with the engineering phases at an informal conference at the Commission on June 5.

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Mr. Louck's statement as to other NAB exceptions to the proposed rules (see NAB Reports, p. 3481) follows in part:

Exception 1 relates to Rule 31.04 (3) in so far as that rule proposes to prescribe the amount of money required to construct stations of different classes; in so far as the rule distinguishes or recognizes a distinction between stations supported by sponsored programs and stations otherwise supported; and in so far as it makes mandatory a showing that "adequate commercial support is available" for one class of stations and that "adequate finances are available" to support stations of another class. The principal objection here goes to giving expression in the regulations to a distinction between stations commercially supported and stations otherwise supported. In the first place, the law recognizes no such distinction, but even if it did, this particular part of the rule would be unnecessary. It would seem to be sufficient for all regulatory purposes under the act to limit paragraph (3) of the rule to the first sentence which provides that the applicant shall make a satisfactory showing that he is "financially qualified to construct and operate the proposed station."

There is no doubt but that Congress intended that the Commission should investigate the financial ability of applicants to construct and operate the stations for which they make application but nowhere in the Act is there even the slightest implication that a station must be self-supporting. The regulation as proposed uses the language "adequate commercial support" without defining what will constitute such support. But that is not the evil. In most cases evidence of commercial support is either flimsy or totally worthless. Conditional contracts, oral promises to buy time, speculation as to available advertising revenue, census data—all of these might be evidence—but in most cases constitute little value as proof. Whether or not any particular community is entitled under the law to receive transmission service should not be dependent upon the questionable ability of any particular applicant or applicants to produce satisfactory evidence of adequate support. Under such a rule an economic depression might prevent the licensing of new stations and it is a recognized fact that throughout the last depression new stations were continually licensed. Whether a station can make or lose money, based upon testimony nebulous at its best, should not be the sole criterion upon which the Commission decides whether or not a community requiring service shall have that service supplied. The ability of a clever salesman to induce prospective advertisers to sign questionable agreements to use the facilities of a station that does not exist should not by regulation constitute a limitation upon the application of the statutory standard of public interest, convenience and necessity. The prospective advertiser under such arrangements buys nothing; the salesman has nothing to sell. Yet such agreements—in nearly every case worthless—constitute the best evidence available of commercial support. It is respectfully submitted that the two last sentences of paragraph (3) of Rule 31.04 be deleted as unnecessary, impracticable and of questionable legal validity.

Exception 3 relates to the prohibition of commercial or sponsored programs or commercial announcements during additional hours utilized for experimentation and prohibits additional charges by reason of transmission with facilities granted for experimental purposes which occurs in paragraph (b) of Rule 31.12. Objection was made to this provision during the hearing on the grounds that such prohibition will retard rather than encourage experimentation. The Committee had recommended that a footnote be added to the rule as follows:

> "Special authorizations which do not involve experimental operation may be granted pursuant to Rule 15.15 of the Rules of Practice and Procedure."

The addition of the footnote adds nothing to the rule. It is difficult to understand how the inclusion of sponsored matter in programs broadcast during periods of experimentation or how the imposition of charges for the use of facilities experimentally granted can have any bearing of any nature whatsoever upon the prosecution and accomplishment of a program of technical research, especially since the entire research program is under the control of the Commission. Indeed, it is a general rule that the conduct of experimentation adds to the cost of station operation. This restrictive provision, it seems, is of far greater importance to the Commission than it is to licensees since it will undoubtedly tend to discourage stations from going forward with experimental work. We confidently hope that that will not happen. But if it does—if the effect of the rule in actual operation limits rather than encourages experimental use of broadcast frequencies—then it is submitted that it is repugnant to Section 303 (g) of the Act which makes mandatory the

> "study of new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest."

This provision of the act—and it is assumed that it is under this provision that the experimental rule is promulgated—says nothing about rates or commercial sponsorship. It is a mandate to the Commission that experimentation be encouraged. A rule discouraging experimentation, it is submitted, contravenes the intent of this provision of the law.

Exception 4 relates to Rule 31.14 in so far as that rule does not provide for a license period which corresponds with the maximum period provided in the Communications Act of 1934. At the time of the hearing the Association asked that the license period be lengthened to the full statutory period of three years but in any event for a period of not less than one year. The Committee has recommended that the normal license period be increased from six months to one year and has set forth as the principal reason for its recommendation the need for greater stability in the industry. We urge the Commission to adopt the Committee's recommendation if it is deemed inadvisable to grant greater extension of the license term at this time. However, far greater stability is needed than that which will be supplied by extending the normal license period to one year. Perhaps, in the future it may become necessary for Congress to provide for a much longer term. The Association considers the Committee's recommendation a step in the direction of greater stability from which will flow improved service to the public; but it is respectfully suggested, however, that further study in the future will reveal that the same reasons for extending the term for a period of one year may be applied with equal or greater force for a longer period.

Exception 6 relates to Rule 32.05 (e) in so far as it prohibits the simultaneous use of a common antenna where two licensees are owned or controlled by the same person or corporation, or where two licensees have an agreement between them which is satisfactory to the Commission. It was the feeling of the Association that the rule should be omitted entirely or, if retained, that there should be language permitting the simulatneous use of a common antenna by separate licensees provided such use is in conformity with an agreement approved by the Commission. The reasons given at the time of hearing were that in some instances the police department of a given city has requested the use of a broadcast antenna for police transmissions. That would not interfere with the broadcast operations and would aid the police department, although the licensees are different. Another instance cited was where one licensee was conducting experimental work on the premises of another licensee, the two licensees probably being under the same control. In such instances, it seems to the Association, the rule should not prohibit such simultaneous use of a common antenna provided a satisfactory agreement is reached between the licensees and the Commission.

Exceptions 11 and 12 relate to certain provisions of Rule 34.21 (1) (a) and (b). This rule governs entries to be made on the program and operating logs. The first objection relates to the use of the language "with an indication of the type of announcement" in paragraph (a) under Section 1 of the rule. The language is indefinite. The rule would seem to provide that an entry of the time each station identification announcement is made, that is, the call letters and location, shall be made on the program log. But it is difficult to understand what is meant by the language "with an indication of the type of announcement." I presume that this language is intended to require that where a station has several types of identification announcements, or where words other than the mere call letters and location of the station are included in such announcements, then the log entry must show which of the several types is used. If this is what is intended, the language ought to be more specific. As it now stands, it is left to each station to place its own interpretation on this language.

In Exception 12 reference was made to a possible conflict between the provisions of Rule 34.20 (1) (b) and Rule 34.23. Upon further study of the rules and the testimony I do not see that there is any conflict here since the first rule relates to entries to be made upon the program log and the latter governs announcements actually to be made. However, 34.30 (1) (b) and (c) present difficult problems both to the licensee charged with making the entry upon the log and to the Commission in interpreting these entries. The principal difficulty grows out of the use of the words "by whom presented." It is difficult to understand whether the Commission desires that the entry show the names of the artist or artists actually presenting the program in the studio, if it be a studio program; the name of the network, if it be a network program; the name of the recording company, if it be a recorded program. Some of the practical problems which grow out of the construction of Section 317, relating to the identifying of sponsored matter are presented by this Rule. The difficulty of framing a regulation which will accomplish the purposes of the Act and at the same time square itself with the practical aspects of the problem are recognized and the purpose of raising objection here is simply to point out the need for clarification. Perhaps, as a result of the Commission's recent release calling attention of broadcasters to the provisions of Section 317, additional information will be obtained which will be of assistance in reframing parts of the rule which will aid both the Commission and the industry. If the rule is permitted to become effective without change, it is respectfully suggested that at some time in the near future, in the light of information obtained through its application, that the rule be reviewed with a view to making such clarification as may be necessary to remove all trace of ambiguity and misunderstanding. Generally speaking, there is no difference between the Commission and the broadcasters as to the objective to be achieved but if the rule is to be strictly enforced consideration ought to be given to its practical application during day to day operation.

The next exception is Exception 14 which relates to Rule 36.04 in so far as that rule requires every licensee to permit *public inspection* of a complete record of all requests for broadcast time made by or on behalf of candidates for public office. This is the present Rule 36 A 4 which was adopted after the hearings were closed, and therefore has not been the subject of testimony. It is the view of the Association that it will be sufficient for all purposes of the law if the record of requests for political time be open to the Commission rather than to the public. It is difficult to understand how any useful purpose can be served by requiring the licensees to permit members of the public to inspect these records. Furthermore, the rule does not prescribe the length of time such records must be retained by the station nor does it presume to limit the time for their inspection. Would it be a violation of the rule to deny some mere curiosity-seeking member of the public to inspect these records after the business offices of the station were closed for the day? It is believed that all proper purposes of the rule will be subserved if the records are kept available for inspection by the Commission or its representatives.

In closing, I want to point out that the Engineering Committee of the Association has given further study to the rules as recommended by your Committee and these views will be presented at the June 5 conference which I understand has been provided for that purpose. Let me express to you on behalf of the Association its appreciation for the opportunity to come before your Committee and present its views on the proposed regulations and to come before you with the observations I have made. It is the hope of the Association that in the future the same procedure will be followed in any revision of existing rules and in the promulgation of new ones.

FREE OFFERS

The American Hotel Association, New York City, has asked broadcasters to give free plugs for National Hotel Week, June 11-17. The NAB has advised the Association that this would constitute violation of the NAB Code and suggested that the Association cooperate with broadcasters in obtaining local sponsorship.

The Milk Industry Foundation, New York City, has sent out suggested announcements for "June Dairy Month." The NAB also has suggested cooperation to obtain local sponsorship.

In both of these cases, broadcasters might do well to approach their local dairies and hotels for accounts.

Caxton House, New York, and the Philatelic Banking Service, Boston, have been advised that acceptance of their commission propositions would constitute violation of the NAB Code.

Similar notice went to "The Winning Post," New York City, which offered to supply race results to stations which would plug the magazine on a commission basis.

The NAB has suggested a regular radio advertising campaign to the Angelus-Camp Fire (marshmallow) Company, Chicago, which has been offering prizes to domestic science script writers for program ideas, presumably with the intention of interesting these script writers in the use of marshmallow recipes.

The Stocking House (perfume), Noroton, Connecticut, has advised the NAB that it was not suggesting cost-per-inquiry advertising in its recent proposal, but merely wanted information as to what stations could produce a large number of mail returns.

COPYRIGHT QUESTIONNAIRES

Since the mailing of the copyright questionnaires on Monday, May 22, several stations have written in to inquire whether their responses will be held as confidential. In the first paragraph on the second page of Mr. Miller's letter the following statement is made: "Your individual response will be held strictly confidential and will not be disclosed in any way beyond the NAB Research Department without your expressed permission." In replying to one of the letters which have come in on the subject, Mr. Miller stated as follows: "In reply to your recent letter, I can assure you that the figures which you will send will be kept confidential. They will be handled by Paul Peter, our Director of Research, and at most two employees working under his direction. The compilations only will be shown to the Committee, but no breakdowns of individual stations will be made available for the Committee."

Program Logs were sent out from NAB headquarters May 24. A question on network programs has arisen because some stations feel they cannot reliably report musical numbers played. If member stations feel it too burdensome to list the titles of musical numbers played on network shows it is suggested that the program title be entered with a notation that there are musical numbers played so that in final tabulation logs furnished by the networks can be used to complete the individual station record.

Every station is urged to complete the questionnaire and the Program Logs as soon as possible so that the work of compiling the needed basic information on the broad subject of copyright can be gotten under way. Your cooperation is essential.

FCC STANDARD APPLICATION FOR RENEWAL OF LICENSE

Headquarters has received inquiries from stations with respect to the meaning of question numbered 17 (g) of the FCC's standard application for renewal of license. This question reads: "(g) Average number of hours per month of sponsored programs is ——, of which direct advertising programs is —— hours."

The word "programs" in the last portion of the question appears to have caused considerable misunderstanding. The Commission advises that the objective of the question is to develop the average number of sponsored broadcast hours per month and the amount of time in those hours devoted to advertising continuity.

PROMOTIONAL MATERIAL

If members desire to be represented in the display at the convention in Atlantic City, July 10 to 13, they should send material to headquarters at once, as final plans are being made for the display. All material must be at Headquarters Office no later than June 15.

HOTEL RESERVATIONS

If you have not already made hotel reservations for the annual convention to be held at the Ambassador Hotel, Atlantic City, July 10 to 13, be sure to write today. Reservations are being made and to secure the type of accommodation you desire at the price you want to pay, it is necessary to make them in advance. Do it today!

KIRBY TO ADDRESS BETTER BUSINESS BUREAU MEETING

Ed Kirby, NAB public relations director, will speak at the business-consumer relations conference to be held by the National Association of Better Business Bureaus June 5-6 in Buffalo, N. Y. Mr. Kirby is scheduled to discuss "What American Radio Means to the Consumer and to the Citizen" at the June 6 afternoon meeting.

BUREAU OF RADIO ADVERTISING

The announcement of the formation of the Bureau of Radio Advertising and its first contribution—"Radio Reaches People"—has been well received by NAB member stations. Approximately one hundred members have sent in the return post card included in the mailing of the announcement and the visual presentation. The orders for copies of future studies and bulletins is encouraging to the Bureau.

It is essential that all stations interested in progressing the objectives of the Bureau of Radio Advertising send in the return post card to give an estimate of the number of copies of bulletins, special studies and binders desired, so that the work of the Bureau can be gotten under way.

Legal

NEW LEGISLATION

STATE

CONNECTICUT:

S. 134 (Rich) LIQUOR—FALSE ADVERTISING—Prohibiting false advertising of liquor. Referred to Judiciary Committee. Passed by Senate 5-27.

FLORIDA:

H. 1913 (Committee on Finance and Taxation) TELEPHONE AND TELEGRAPH TAX—Imposing a tax upon all persons, firms or corporations receiving payment charges or tolls for use of telephones and telegraph, and for telephone and telegraph messages and communications and excluding any tax upon telephone or telegraph messages in interstate commerce. Referred to Calendar.

ILLINOIS:

S. 535 (Ward) BROADCASTING TRIALS—Prohibits broadcasting of court trials. Referred to Second Reading.

NEW HAMPSHIRE:

H. 358 (Committee on Rules) AERONAUTICS—Creating a State Aeronautics Commission and regulating the operating of aircraft. Referred to Judiciary Committee. Passed by House 5-2.

TEXAS:

H. 340 (Morris, et al) TAXES FOR PENSIONS—To redefine "need" in the Old Age Pension Act, and to change the administration of the Old Age Pension. Provisions for taxes of 5¢ per barrel on oil, 5% on natural gas, $2 per thousand on small cigarettes, $3.60 per thousand on heavy cigarettes and $1.50 per ton on sulphur are included. House Committee substitute of 5-12 adds inter alia firearms tax amendments to inheritance and corporate franchise taxes, luxury taxes. Passed by House 5-23.

S. R. 86 SOCIAL SECURITY TAXES—Resolution endorsing the principle of writing taxes to pay for social security benefits into the State Constitution, and requesting the cooperation of the minority members of the House in passing S. J. R. 12. Passed by Senate 5-22.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of KRFO, **Longview, Texas,** to change its frequency from **1370** to **1340 kilocycles,** to change its power and hours of operation from 250 watts daytime only, to 1000 watts, unlimited time, employing a directional antenna during nighttime. The station was also granted permission to change its transmitter site, and to install a new transmitter.

The Commission stated in its decision that the operation of the station as proposed "will not cause increased interference to the operation of any other existing station or to any station proposed in any application pending at the date the instant application was designated for hearing." The Commission said that the granting of the application "will enable the station to render a better service in practically all the service area of the station than is now available."

Chairman McNinch and Commissioner Brown did not participate in this decision.

The application of Leonard E. Wilson for voluntary assignment of license of Station KGIW of **Alamosa, Colorado,** to E. L. Allen, has been granted by the Commission. The station operates on **1420 kilocycles,** with 100 watts power.

Chairman McNinch and Commissioner Brown did not participate in this decision.

The Commission also granted the application of Charles C. Robinson to assign the license of Station KCRJ, **Jerome, Arizona,** to Central Arizona Broadcasting Company. The station operates on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

Chairman McNinch and Commissioner Brown did not participate in this decision.

The application of the KTSA Broadcasting Company, **San Antonio, Texas,** for consent to assign the license of Station KTSA from the present licensee to the Sunshine Broadcasting Company has been granted by the Commission. The station operates on **550 kilocycles,** 5000 watts LS, 1000 watts night, unlimited time.

Chairman McNinch and Commissioner Brown did not participate in this decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 5. They are subject to change.

June 6

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.,** 500 watts, 500 watts LS, shares KFNF.

WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of license, **1380 kc.,** 1 KW, unlimited time (DA). Present assignment: **1380 kc.,** 250 watts, 1 KW LS, unlimited time (DA).

June 7

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, **1350 kc.,** 1 KW, 1 KW LS, shares WAWZ (DA day and night).

Hearing Before the Committee

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

June 9

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

June 26

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P. to install new antenna and move transmitter and studio locally; **1290 kc.,** 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

WCBA—B. Bryan Musselman (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.,** 500 watts, 500 watts LS, shares WSAN.

WSAN—WSAN, Inc. (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.,** 500 watts, 500 watts LS, shares WCBA.

July 6

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.,** 1 KW, 1 KW LS, unlimited except from 8 to 9 p. m. Monday. Present assignment: **1120 kc.,** 500 watts, unlimited except 8 to 9 p. m. Monday.

WAPO—W. A. Patterson, Chattanooga, Tenn.—C. P., **1120 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

September 5

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., **1270 kc.,** 1 KW, unlimited time (DA night) (requests facilities of KWLC and KGCA). Present assignment: **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, **1270 kc.,** 100 watts, daytime, shares KWLC.

KWLC—Luther College, Decorah, Iowa.—Renewal of license, **1270 kc.,** 100 watts, daytime, shares KGCA.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KWJB—Sims Broadcasting Company, Globe, Ariz.—Granted renewal of license for the period June 1 to December 1, 1939.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to transfer control of North Side Broadcasting Corp., licensee of station WGRC, from Charles Lee Harris to Charles Lee Harris and S. A. Cisler, Jr. (station operates on **1370 kc.,** 250 watts, daytime).

KHBC-KGMB—Pacific Theatres and Supply Co., Ltd., Honolulu, T. H.—Granted authority to transfer control of the Hawaiian Broadcasting Co., Ltd. (licensee of stations KHBC, Hilo, and KGMB, Honolulu), to the Consolidated Amusement Company, Ltd. (KGMB operates on **1320 kc.,** with 1 KW, and KHBC operates on **1400 kc.,** with 250 watts, unlimited time).

WGRM—P. K. Ewing, Grenada, Miss.—Granted renewal of license for the period June 1 to December 1, 1939.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Present license extended upon a temporary basis only for the period ending July 1, 1939, pending determination upon the application for renewal.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted renewal of license for the regular period.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted renewal of license for the regular period.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted renewal of license for the regular period.

WIBU—Wm. C. Forrest, Poynette, Wis.—Granted renewal of license for the regular period.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted renewal of license for the regular period.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—C. P. for new station to operate on frequency **1310 kc.,** with 100 watts night, 250 watts day, unlimited time. The exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license application, already in hearing docket, amended so as to request unlimited time of operation (requests facilities of WMBQ and WWRL).

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif. —C. P. to move transmitter site locally about three miles, near Culver City, Calif.; install new equipment and increase night power from 500 watts to 1 KW and day power from 500 watts to 5 KW; increase time of operation from limited to unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval. To be heard before the Commission. (Application designated for hearing because the request violates Rules 116 and 117; also because of possible interference to existing stations and pending applications involve increase in service.)

NEW—Yetta G. Samford, G. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P. for new broadcast station to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—C. P. to move transmitter site locally from northeast corner 12th and Olive Sts., St. Louis, to St. Clair and Warren Avenues, Nameoki, Ill.; install DA system for day and nighttime operation; change frequency from **550 kc.** to **630 kc.,** and time of operation from S-KFUO to unlimited time.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P. to move transmitter site locally approximately 2 miles east of previously approved site, from ½ mile northwest of Venice, Ill., to near National City, Ill.; install new equipment and make changes in DA system; change frequency from **1250 kc.** to **630 kc.,** and increase day power from 1 KW to 5 KW, employing DA system for both day and nighttime operation.

MISCELLANEOUS

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent from 12:30 p. m., June 2, to 3 a. m., EST, July 1, in order to observe regular school vacation.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11:05 p. m., using 100 watts power, on Sundays, June 4, 11, 18 and 25, in order to broadcast church services.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from 6:45 p. m. until 9 p. m., CST, on May 26, 27, and 28, in order to broadcast programs of local interest from FHA Better Homes Show, using 50 watts only.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted extension of special temporary authority for daytime operation of new WFBR plant, using DA and daytime power as authorized by C. P. modified February 23, 1939, 5 KW, in order to collect field data essential to proof of performance report, for the period May 25 to June 23.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from relay broadcast station W8XHV in connection with Police Field Day activities on May 25.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11 p. m., using 100 watts power, on June 2, 6, 7, 8, 9, 14, 15, 19, 20, 21, 26, 27, 28, 29, in order to broadcast baseball games.

KOME—Harry Schwartz, Tulsa, Okla.—Denied special temporary authority to operate from 8:30 to 10:30 p. m., CST, nightly, for the period May 29 to June 27, in order to broadcast Texas League baseball games, using 100 watts only.

KODN—R. C. Hoiles, Pampa, Tex.—Denied special temporary authority to operate unlimited time on May 26, 27, 28, 29, 30 and 31, in order to broadcast local baseball games.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted special temporary authority to operate with two 500-watt vacuum tubes for high level modulation (RCA 833) as authorized in modification of C. P. granted May 8, 1939, instead of four 250-watt tubes for high level modulation (RCA 204-A), until new directional antenna completed but not to exceed 30 days.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Ruling of March 31, 1939, affirmed, and denied motion to strike proposed findings and conclusions submitted by Samuel M. Emison, and to set aside the intervention granted S. M. Emison on March 31, 1939.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted motion for order to take depositions except as to alternative place of taking and alternative notary, in re application for C. P. to use **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

KVOS—KVOS, Inc., Bellingham, Wash.—Denied petition for (1) continuance for from 30-60 days from June 28, 1939; (2) permission to take depositions 30 days after depositions or hearing relative to Bellingham Broadcasting Co., Inc. (Docket 5478), application; (3) permission to examine complaints against applicant; (4) denial of Bellingham Broadcasting Co., Inc.; (5) order requiring Bellingham Broadcasting Co., Inc. to clarify its respondent's appearance. (KVOS application involves renewal of license.)

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Referred to the Commission en banc, the motion to dismiss and return application of KOAC for C. P. to install new transmitter and antenna, move transmitter and increase power.

NEW—Clarence H. Frey & Herbert O. Greever, Logan, W. Va.—Denied, with permission to withdraw without prejudice and file a new application, the petition for leave to amend application to change frequency from **1200 kc.** to **1310 kc.**

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Dismissed motion to deny as in default application of KOVC, for C. P. to change frequency from **1500 kc.** to **1340 kc.,** and power from 100 watts, 250 watts LS, to 500 watts, 1 KW LS, unlimited time.

NEW—Milton Edge & Hobart Stephenson, Jacksonville, Ill.—Referred to Commission en banc petition for leave to amend application by substitution of party (Edgar J. Korsmeyer) for Sherman V. Coultas, deceased, in re application for C. P. to use **1310 kc.,** 100 watts, unlimited time.

KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted alternative request for continuance of hearing, new date to be fixed by Secretary's Office, in re applications of KGLO to change frequency and power, and the application for renewal of license of KWLC, Decorah, Ia., now scheduled for June 27.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Denied petition to accept amendment to amend Section 19(b) of applicant so as to request 1 KW night power instead of 5 KW, with permission to withdraw application without prejudice and file a new application.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (May, 6:45 p. m., and June, 7:15 p. m., CST), to 9:30 p. m., CST, on June 1 and 2, in order to broadcast selection and crowning of Strawberry Queen and on May 28, June 4, 11 and 18, in order to broadcast church services.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted special temporary authority to operate daytime with power of 1 KW using new directive antenna, for a period not to exceed 10 days, in order to make proof of performance measurements of directive antenna as authorized by permit granted November 28, 1939.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on June 10 and 17, and from 8:30 to 10 a. m. and 2 to 3 p. m., EST, on June 11 and 18, and unlimited time for the period June 23 to July 1, in order to broadcast programs as described in letter of May 20, 1939.

WCBN—Columbia Broadcasting System, New York City—Granted special temporary authority to operate relay broadcast station WCBN aboard aircraft *Yankee Clipper*, owned by Pan American Airways Co., on frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.**, in addition to normal licensed frequencies for a period not to exceed 30 days, in order to relay broadcast special programs during second trans-Atlantic flight of the *Yankee Clipper*.

KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period July 1 to September 11, in order to observe regular school vacation.

WIEW—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted C. P. for new transmitter and increase in power of an existing relay broadcast station from 20 to 25 watts.

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.

W8XSC—Mich. State College, E. Lansing, Mich.—Granted license to cover C. P. authorizing changes in equipment and increase in power to 50 watts in relay broadcast station. The license is granted on an experimental basis only, conditionally.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification of C. P. to install new equipment and extend commencement date to 60 days after grant and completion date to 60 days thereafter.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted license to cover C. P. authorizing change in frequency from **1370** to **1450 kc.**, and increase in power from 100 watts, unlimited time to 1 KW, unlimited employing directional antenna for nighttime operation.

NEW—World Peace Foundation, Oakland, Cal.—Denied as in cases of default application for C. P. for new international broadcast station at Oakland, Calif., because applicant failed to file a written appearance.

KPDN—R. C. Hoiles, Pampa, Tex.—Denied special temporary authority to operate unlimited time on May 17, 18, 19, 20, 26, 27, 28, 29, 30, 31, in order to broadcast baseball games.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., and from 1 to 3 p. m., EST, on May 30 (provided WOSU remains silent), in order to broadcast programs of a holiday character.

WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to remain silent from June 1 to September 11, in order to observe summer vacation.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover C. P. authorizing changes in composite equipment for 250 watts.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input in accordance with Rule 137, and subject to the following power specifications: antenna current—2.95 amperes for 1 KW day; antenna resistance—115 ohms; type of antenna—vertical wire supported between two 200-foot insulated base towers spaced 340 feet; height of vertical lead 192 feet. Towers detuned by grounding for non-directive operation (non-directional). Transmission line current—3.98 amperes; resistance at common point of input to antenna system—63.0 ohms; type of antenna—3-element directional; height of vertical east and west elements, 200 ft.; overall height 204 ft.; and center element height of vertical lead 192 ft., supported from messenger cable between 2 main elements. Towers insulated with adequate ground system (directive antenna nighttime operation).

WBLK—The Exponent Co., Clarksburg, W. Va.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.

W2XAX—Columbia Broadcasting System, Inc., New York City.—Granted modification of C. P. to extend completion date from June 16 to December 16, 1939.

KGMB—Honolulu Broadcasting Co., Honolulu, T. H.; KHBC: Hilo, T. H.—Granted petition to reconsider and grant without a hearing the applications for renewal of licenses for KGMB and KHBC. (Cause of objection removed.)

KNEL—G. L. Burns, Brady, Texas.—Denied petition to reconsider and grant without a hearing, the application requesting authority to increase time of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted petition to reconsider and grant without a hearing the application requesting authority to increase daytime power of station from 1 KW to 5 KW.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied petition to reconsider and grant without a hearing, the application for renewal of license of station WBAX.

NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—Denied petition for special relief requesting the Commission to vacate its order of December 2, 1936, in which the applications of the Black River Valley Broadcasts, Inc. was granted and the application of Watertown Broadcasting Corp. was denied, and ordered these two applications be heard *de novo* before an Examiner, together with the applications of WCAD for voluntary assignment of license and C. P. to move station from Canton to Watertown.

NEW—Clinton Broadcasting Corp., Clinton, Ia.; and NEW—Burlington Broadcasting Co., Burlington, Ia.—Ordered that applications of Clinton Broadcasting Corp. and Burlington Broadcasting Co., be designated for further hearing on questions of interference with existing stations and pending applications for broadcast facilities and related questions.

NEW—The Courier Post Publishing Co.; and NEW: Hannibal Broadcasting Co., Hannibal, Mo.—Denied petition of Courier Post Publishing Company requesting grant of application for a new local broadcast station at Hannibal, and designated for further hearing in a consolidated proceeding, on the question of possible interference with existing stations and pending applications for broadcast facilities and related questions, the application of the Hannibal Broadcasting Co.

W8XVA—Brown Radio Service and Lab. (Gordon P. Brown, owner), Rochester, N. Y., Portable-Mobile.—Granted modification of C. P. extending completion date from July 1 to November 10, 1939.

WRNL—WLBG, Inc., Richmond, Va.—Granted modification of license to change name from WLBG, Inc., to Richmond Radio Corporation.

W9XXT—KCMO Broadcasting Co., Kansas City, Mo. (Portable-Mobile).—Granted modification of license to reduce the power of high frequency relay broadcast station from 5 watts to 0.5 watts, without new construction. This license is granted on an experimental basis only, conditionally.

APPLICATIONS FILED AT FCC

780 Kilocycles

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts power.

1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to make changes in transmitting equipment.

1200 Kilocycles

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit (B3-P-2002) for approval of antenna, studio site at Main St., McColgan Hotel, McComb, Miss., and transmitter site as U. S. Highway 51, McComb, Miss. Amended: Give transmitter site as Berthadale Road, at Highway 24, McComb, Miss., and make changes in antenna.

1210 Kilocycles

KANS—The KANS Broadcasting Co., Wichita, Kans.—Authority to transfer control of corporation from Charles C. Theis to stockholders (to Herb Hollister, 48 shares common stock).

1310 Kilocycles

KOME—Harry Schwartz, Tulsa, Okla.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power nighttime.

1340 Kilocycles

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Construction permit to make changes in transmitting equipment, install vertical antenna, increase power from 250 watts to 500 watts. Amended to make changes in equipment, change requested power to 250 watts night, 1 KW day.

1370 Kilocycles

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—C. P. to increase power from 100 watts to 100 watts, 250 watts LS; make changes in equipment and give studio site as 306 S. Cedar St., Pecos, Tex. (no move, corrected address).

1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of construction permit (B5-P-1892) for increase in power and new transmitter, requesting authority to make changes in type of transmitting equipment.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Construction permit to install new transmitter, vertical antenna; change frequency from **1420 kc.** to **1480 kc.**; increase power from 100 watts, 250 watts day, to 5 KW day and night; change hours of operation from specified hours to unlimited time. Amended: Specify transmitter site to be determined, Ponce, P. R.

1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in transmitting equipment; increase power from 250 watts to 1 KW.

1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—License to cover construction permit B4-P-2356 for equipment changes and increase in power.

MISCELLANEOUS

WDAJ—Tampa Times Co., Portable-Mobile, area Tampa, Fla.—License to cover B3-PRY-146 for new low frequency relay station.

NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Construction permit for a new high frequency broadcast station on **26300 kc.**, 1000 watts power.

W9XSN—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.—Construction permit for change in equipment and request frequencies **30820, 33740, 35820, 37980 kc.**, in accordance with new rules.

W2XBF—William G. H. Finch, New York, N. Y.—Modification of license to change class of station from experimental broadcast to facsimile broadcast, and change frequency to **43740 kc.**

NEW—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit for a new high frequency broadcast station on **40300, 41200, 41600, 41800 kc.**, 2 KW power, unlimited time, located at 89 East Ave., Rochester, N. Y. Amended to request frequency **43200 kc.**, power 1 KW.

NEW—Larus & Brother Co., Inc., Portable-Mobile, area of Richmond, Va.—Construction permit for a new portable-mobile relay broadcast station on **1646, 2090, 2190** and **2830 kc.**, 25 watts power, A-3 emission.

W9XXL—Ashland Broadcasting Co., Ashland, Ky.—C. P. for reinstatement of portable-mobile relay broadcast station on **31100, 34600, 37600, 40600 kc.**, 10 watts power, A-3 emission. Amended to specify **30820, 33740, 35820, 37980 kc.**

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Authority to transfer control of corporation from S. C. Ondarcho, W. P. Heffernan, C. A. Barker, J. A. Herman, L. R. Wyatt, E. J. Wyatt, A. B. Carrington, Jr., F. B. Leggett, W. E. Gardner, Jr., Harry Spencer, and L. N. Dibrell to L. N. Dibrell, 225 shares common stock.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for new television station on **42000-56000 kc.**, 1 KW power, A-3 and A-5 emission, site to be determined, Los Angeles, Calif. Amended to request frequency band **50000-56000 kc.**

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for a new television station on **60000-86000 kc.**, 1 KW power, A-3 and A-5 emission, at Wilshire Blvd. and Fairfax St., Los Angeles, Calif. Amended: Specify frequency band **50000-56000 kc.**

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Barbara Gould Sales Corporation—See Bourjois, Inc.

Bourjois, Inc.—Amended complaints have been issued charging two New York organizations selling cosmetics and toilet preparations with violation of the Federal Trade Commission and Robinson-Patman Acts in connection with furnishing the services of demonstrators of their products to merchant customers, and with violation of the Robinson-Patman Act through granting price discriminations.

Respondents are (1) Bourjois, Incorporated, Bourjois Sales Corporation, Barbara Gould Sales Corporation, Bourjois Sales Corporation of California, and Bourjois Sales Corporation of New Jersey, and (2) Richard Hudnut, a corporation, Hudnut Sales Co., Inc., and William R. Warner & Co., Inc., all of New York.

Violation of the Federal Trade Commission Act is alleged because the respondents' demonstrators, while appearing to be employed by the respective merchants in their stores as disinterested salespersons qualified to give impartial advice and counsel regarding the use of various cosmetics, are in fact employed and placed therein by the respondent cosmetic companies and are able to further the sale of the respondents' preparations. The respondents' personnel plan is alleged to deceive purchasers and to have a tendency to lend itself to misrepresentation of competitors' commodities and substitution of respondents' products therefor.

Violation of the Robinson-Patman Act is alleged to occur through granting to some customers the services of demonstrators when such services are not granted to other competing customers on proportionally equal terms.

In violation of the same act the respondents are alleged to differentiate in price between different purchasers of commodities of like grade and quality sold for resale by allowing certain purchasers varied price discounts more favorable than those granted to others. The Bourjois respondents are alleged to allow such discounts from retail list prices and the Hudnut respondents from their "per dozen" wholesale list prices. (2972-2973)

Bourjois Sales Corporation—See Bourjois, Inc.

Elite Publishing Company—Steven V. Gimino and Anthony V. Gimino, doing business under the name of Elite Publishing Company, with offices at 214 Grand St., New York, have been ordered to cease and desist from misrepresentations in the sale and distribution of books advertised in magazines and other periodicals as describing "107 plans for making $20.00-$100.00 weekly in home or office, business of your own."

A "free booklet" advertised as descriptive of the plans, sent to inquirers, the Commission found, did not describe the plans in any practical detail and was merely suggestive of the general nature of each plan and some of its salient features. The plans themselves were incorporated in the larger books sold and distributed by respondents under the names "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans."

Findings of the Commission are that all the plans involve the sale of articles or services. Many of them are adapted essentially to peddling or house-to-house sales. Although by following the respondents' proposals personal direct selling by the operator of the plan may frequently be avoided, in many cases such selling is necessary. (3521)

Richard Hudnut—See Bourjois, Inc.

Hudnut Sales Company, Inc.—See Bourjois, Inc.

William R. Warner & Company, Inc.—See Bourjois, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Brinkler School of Eating—George Henry Brinkler, 458 Ocean Drive, Miami Beach, Fla., has been ordered to discontinue misleading representations in the sale of correspondence courses in diet and health. Brinkler formerly operated as Brinkler School of Eating and as Brinkler School of Food Science.

The Commission's order is based on findings that the respondent, among other representations, advertised that congestion or waste matter in the blood is the cause of all diseases; that his courses comprise competent and adequate treatment for the cure and elimination of all diseases.

Brinkler was found to have represented that persons following his courses will achieve improved memory and eyesight, normal circulation, doubling of brain or muscle power, dependable health and activity in old age, increased creative talent and energy, a body system restored to normal functioning, and other benefits.

Findings are that congestion or waste matter in the blood is not the cause of all diseases and that the respondent's method or diet are not competent or adequate treatment for all diseases, except for a restricted number such as scurvy, beri-beri and rickets, caused by diet deficiency. (2693)

Brinkler School of Food Science—See Brinkler School of Eating.

STIPULATIONS

The Commission has entered into the following stipulations:

Hellige, Inc., 3718 Northern Blvd., Long Island City, N. Y., wholesaler of hospital and laboratory supplies, including cover glasses for use in microscopic work, has entered into a stipulation to desist from certain misrepresentations.

In the sale of its "Checker Brand" cover glasses, the respondent corporation will discontinue use, in price lists or on labels affixed to containers or in any other way, of the phrase "Made in U. S. A." or of any other words of similar inference so as to imply that the glass or the products in their entirety are of domestic origin, when such is not a fact. (2472)

Journal Printing Company—Trading as The Journal Printing Company, Max L. Hill, 415 Missouri Ave., East St. Louis, Ill., has entered into a stipulation to discontinue misleading representations in the sale of advertising layouts containing colored drawings or pictures of merchandise.

The respondent, a job printer, agrees to desist from representing that either the photographing or the engraving involved in the production of the finished advertising he offers for sale is done in his own plant, or that a plant owned, operated or controlled by him is equipped to do and does perform either the colored photography or the photoengraving work, when such are not the facts. (2470)

Kristee Products Company, Akron, Ohio, agrees that in the sale of the Kristee Fog-Lite, it will cease representing that an amber beam generally, or that the amber beam resulting from use of its product, has a greater degree of penetration or provides a clearer or better or more lengthy vision than ordinary beams. The respondent admits in its stipulation that amber light does not penetrate more than unmodified light, and that it will not improve revealing power or enable a person to see farther. (02379)

Penn-Crest Refining Company, Inc., a dealer in motor oils and other lubricants, with headquarters in Long Island City, N. Y., has entered into a stipulation to cease using the word "refining" in its corporate name, as it is not an oil refiner, and to discontinue indicating that it is located in Oil City, Pa., oil producing and refining center, when in fact it has no place of business there. (2471)

C. I. Todstad Company—Vera P. Williams, proprietor, and L. O. Williams, attorney in fact for Vera P. Williams, trading as The C. I. Togstad Company, Kokomo, Ind., stipulate that they will cease representing that sales persons, regardless of their age, residence, experience or business qualifications, can "make big money," "earn steady incomes" or "get into a business of their own" by selling the respondents' household mechandise. The respondents also agree to cease advertising that an "$8.00 free sample display" is furnished agents, so long as agents are required to make a cash deposit in order to obtain such outfits. (02380)

FCC Assignments For June

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF June
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner T. A. M. Craven
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner George Henry Payne
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Frederick I. Thompson
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Thad H. Brown
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Paul A. Walker
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Norman S. Case
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 23, June 9, 1939

Miller Asks Hearing on "Censorship" Rules

Threatened government censorship of radio programs drew fire this week from Neville Miller.

The FCC on May 23 promulgated new Rules and Regulations for the operation of international broadcast stations which included a requirement that these stations "shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation".

"If the Commission has the authority to promulgate this character of regulation in the international field, it must have equal authority with respect to domestic broadcasting, as the same provisions of law govern both classifications", Mr. Miller pointed out in a letter to the FCC Chairman Frank R. McNinch, asking for a hearing before the rules became effective.

"If licensees of international broadcast stations can be required to restrict their programs to any regulatory authority's concept of American culture, it would seem clear that the licensees of domestic broadcasting stations could be required to limit their programs to some 'official' definition of culture, education and entertainment.

"That this would constitute a violent transgression of the basic principles of American democracy is self-evident.

"We further submit that the proposed regulations would establish the precedent for such transgression and surely no such dangerous prerogative is contemplated by the Communications Act of 1934 and is in direct conflict with Section 326 of the Act which expressly prohibits any type or character of censorship or any condition or regulation 'which shall interfere with the right of free speech by means of radio communication'."

The press joined the NAB in condemning the new rules. Editorially, the New York Herald-Tribune said the rules should be reviewed and rescinded—"unless, that is, the Administration has decided that in violation of the express provisions of the Act of Congress establishing the powers of the FCC this body is to become a board of censorship". Immediate reaction came, too, from Congress where Representative McLeod (R-Mich.) said that the Commission's action "completely destroys" the broadcasting industry's freedom and "makes it the slave of a bureaucratic government". Representative Hinshaw (R-Calif.) had Mr. Miller's letter printed in the Congressional Record June 7.

Meantime President Roosevelt notified Mr. McNinch that he was expected to continue his service with the FCC. Mr. Roosevelt sent this word to Mr. McNinch in reply to the

(Continued on page 3526)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

MILLER ASKS HEARING ON "CENSORSHIP" RULES

(Continued from page 3525)

Chairman's letter expressing hope that he would not be reappointed to the Federal Power Commission.

The tentative draft of the Program Standards Code, to be revised again if necessary before it is presented to the NAB convention July 10-13 in Atlantic City, will be mailed to all members this week for their study and criticism.

Censorship

MR. MILLER'S LETTER

June 3, 1939.

The Honorable Frank R. McNinch, Chairman
Federal Communications Commission
Washington, D. C.

Dear Mr. McNinch:

On May 23, 1939, the Commission promulgated new rules and regulations for the operation of international broadcast stations. These rules included new and unprecedented restrictions and requirements as to program content and were issued without prior public hearing. Of the nine licensees operating fourteen international broadcast stations, the majority are members of the National Association of Broadcasters. This organization has a committee for the study and coordination of international broadcasting and is now accumulating more comprehensive information in this field than has been available. Meanwhile, however, these new rules and regulations precipitate certain fundamental questions which are a matter of vital concern to broadcasting generally and to the entire American public. It is to these more fundamental matters that we address ourselves.

Paragraph (a) of Section 42.03 of the new regulations provides that "A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation." It is submitted that the question as to whether a specific program reflects the culture of this country or promotes, at any given moment, international goodwill, understanding and cooperation, is a matter upon which there may be sharp differences of opinion. A literal interpretation of this regulation would, for example, require a licensee to suppress spokesmen for minority groups if either the licensee or the Commission thought their views would not promote "international goodwill, understanding and cooperation." Freedom of speech as an integral part of the culture of this country not only is a cherished tradition, but a living reality. Any requirement that international broadcast stations suppress a speaker because his remarks might not promote "international goodwill, understanding and cooperation" would, therefore, seem to be in conflict with the requirement that the service rendered by an international broadcast station "reflect the culture of this country."

We are advised by several licensees of international broadcast stations that foreign listeners rely upon stations in the United States as a source for unbiased and uncensored news of the world. This reliance is based upon the fact that these listeners know that in the United States there is no governmental supervision or control over the matter to be broadcast. In many other countries, broadcasting is an instrument of the government and listeners to their stations are aware of the fact that their programs, including news reports and information on current events, are colored to fit the philosophy and views of the government. The consequent distortion of news into self serving propaganda has evoked a growing resentment toward the countries from which it emanates, and such resentment has reacted to enhance foreign respect for the present impartial dissemination of programs from the United States. We, therefore, feel that the confidence that has been developed in the independent operations of American short-wave stations will be destroyed when it becomes known that an agency of the government of the United States has laid down requirements to control the program content of these stations.

Moreover, it is respectfully submitted that the existence of this regulation (42.03-a) needlessly places this government in a position which we believe to be contrary to our traditional policy in the field of foreign relations. There are abundant examples of instances in which some citizen of the United States has made certain utterances by radio or through the press which have aroused the antagonism of the representatives of foreign powers. It has been the customary reply of our State Department to the protests by offended powers that this country is one in which freedom of speech is an actuality and the government has no power to abridge this fundamental right. The regulation which we are discussing definitely implies official responsibility for all matter broadcast over international stations. This we believe is unsound policy and incompatible with the operation of broadcast stations by private enterprise in a democracy. It would seem equally appropriate to require government supervision and censorship of all matter contained in American newspapers circulated abroad which use the facilities of the American Merchant Marine or the second class mail for delivery. This analogy, we believe, clearly demonstrates the errors and the immediate dangers of the policy which this new regulation embodies.

We likewise desire to invite your attention to paragraph (b) of Section 42.03 which places further restrictions upon program content to the extent that it limits and prescribes the type of commercial advertisement which can be made, the type of commodity which can be advertised and then excludes all commercial or sponsored programs that "are not consistent with the purpose or intent of this section." Such regulations are neither desirable nor necessary nor susceptible to sufficient clarity of interpretation or agreement as to meaning to permit them to be practically applied. If international broadcasting is to be continued as an instrument of private enterprise, we feel that the regulatory authority should confine its functions to questions of technical efficiency, allocation and general performance in the public interest.

It seems appropriate to emphasize that the record of licensees in the international broadcast field has been one of greatly increasing service to foreign listeners. During the past two years, there has been a marked development of facilities and personnel by the various private licensees. Their programs are being exclusively designed for international audiences. The responses that have been received indicate that foreign listeners appreciate the fact that these programs, reflecting as they do, a living pattern of our democracy, have not undertaken to propagandize any political ideology. This should be continued, because the most effective way to develop and foster international goodwill by the United States is to avoid copying the tactics of totalitarian governments who supervise and direct all broadcasting.

Finally, we have been unable to find a legal basis for the regulations which we have discussed. It need only be pointed out that the authority for all powers exercised by the Commission must be found in the Act itself and that such authority must be expressly conferred or follow by necessary implication from powers expressly conferred. In this case, we can find neither. While the Communications Act of 1934 clothes the Commission with extremely broad powers on matters of allocation and the technical and physical operations of broadcast stations, we can find nothing in the Act or in the several decisions of the court which have been based upon this Act to support this character of regulation. We have been unable to find any provision of the Act or decision of the court which would authorize the Commission to pass upon the content of programs broadcast either directly by prior examination of the program material or indirectly by imposing requirements which will have the same effect.

The Federal Communications Act of 1934 is silent on the subject of program content. Not only does this absence of language support our conclusions that the Commission is without authority to regulate program content as such, whether in the international or domestic broadcasting field, but it should be particularly noted that the statutes expressly prohibit censorship in any form. We desire to emphasize the language in Section 326, which states:

> "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, *and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.*"

If the Commission has the authority to promulgate this character of regulation in the international field, it must have equal authority with respect to domestic broadcasting, as the same provisions of the law govern both classifications. If licensees of international broadcast stations can be required to restrict their programs to any regulatory authority's concept of American culture, it would seem clear that the licensees of domestic broadcasting stations could be required to limit their programs to some "official" definition of culture, education and entertainment. That this would constitute a violent transgression of the basic principles of American democracy is self-evident. We further submit that the proposed regulations would establish the precedent for such transgression and surely no such dangerous prerogative is contemplated by the Communications Act of 1934 and is in direct conflict with Section 326 of the Act which expressly prohibits any type or character of censorship or any condition or regulation "which shall interfere with the right of free speech by means of radio communication."

In view of the importance of the subject itself and in further view of the necessary implications to which the adoption of such regulations give rise, we request that the Commission follow the same course selected by it in the adoption and promulgation of rules and regulations governing the domestic operation of broadcast stations and that it conduct hearings on these regulations. We further request that the Commission reconsider its action of May 23, 1939, and postpone final action until such time as an opportunity may be given for the conduct of a hearing upon the questions above referred to and others which are necessarily involved in the consideration of this subject.

Very respectfully yours,

NEVILLE MILLER.

REPRESENTATIVE McLEOD'S SPEECH

Mr. Chairman, a few days ago the Federal Communications Commission issued regulations governing the broadcasting of international programs by radio stations in the United States which should alarm Congress, the press, and every person in this country.

These regulations order radio stations to broadcast only international progress of good will. In effect it gives to the Commission the power to tell radio stations what they shall or shall not say over the radio. The Commission uses the term "good will," which signifies that something has to be defined or determined; in other words, censorship of the radio and censorship of speech.

It has long been apparent that the Commission has sought greater control of the air waves, but such a brazen attempt to say what shall or shall not be broadcast—in effect censorship of radio programs—most certainly was not anticipated.

When the F. C. C. attempts to tell the broadcaster what programs he shall broadcast internationally, it knows that if it can get by with this dictation there is just one short step remaining to the control of standard broadcasts or domestic programs, and when that hurdle is cleared radio is under the domination of bureaucracy and ceases to be free.

Mr. Chairman, a little more than two decades ago this Nation had sufficient belief in democratic principles to engage in a horrible and destructive war to protect and preserve what we believed to be the inalienable rights granted by God to man. Our struggles and battles during the past 150 years present additional proof of our determination to combat any attempt to destroy or change the rights extended to our people by the Constitution and the Bill of Rights.

Fortunately it is not always necessary that we conduct a war to prevent encroachments upon these natural rights. Most of these attempts to verge away from our democratic principles are adjudicated by the Supreme Court. Our forebears in creating this Court realized, as we must realize, that there are bound to be differences of opinion with respect to the various phases of our Constitution. There has been little or no uncertainty, however, regarding certain of the rights granted to us by the Constitution. Among these are religious liberty, freedom of speech and of the press, and others.

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These are the natural rights and require limited explanation. We have come to take them as a matter of course. Only when they are in danger of being destroyed do we arise to defend and protect them. Needless to say, there are a few limitations on each of them. Bigamy, for instance, is prohibited, irrespective of religious belief, and freedom of speech and the press does not signify a right to libel, slander, or indecency.

When the Federal Communications Commission was created by this body it was not intended that censorship was to be part of the Commission's functions. The primary duties of the Commission are to prevent confusion in the air by allocation of wave lengths and to guard against libel or indecency. But here we have a creation of Congress, suddenly turned a Frankenstein, ignoring the will of Congress, and determining just what American radio stations shall or shall not say during international broadcasts. To carry out their purposes, violation of this fascistic principle will warrant revocation of a radio station's license and thereby force it out of business.

Gentlemen, I cannot say to you too strongly that without freedom of opinions, thoughts, and ideas this Nation has no right to entertain any hope for the survival of Democratic principles. This regulation is but a small cancer now, but unless it is cut out at the start it will spread like any unattended malignant growth, until finally free speech will be throttled, the press will be a mouthpiece for the few, and radios will blare forth only the ideas of the F. C C.

Gentlemen, no matter how you view this regulation, you can reach no other conclusion than that this is the most flagrant attempt yet made to stifle and kill the right of free speech. In all the history of our Nation no more audacious or tyrannical step has been taken to destroy a vested right. If not corrected immediately, this regulation can mean the beginning of a Fascist censorship of the press as well as of the radio.

The Supreme Court, speaking through Chief Justice Hughes, has made it clear in a unanimous decision that the scope of Federal regulation over radio relates only to the allocation of facilities. Congress, moreover, in section 326 of the 1934 Federal Communications Act, has specifically prohibited such censorship by the Commission in the following language:

> Nothing in this act shall be understood or construed to give the Commission the power of censorship of the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

The danger of the unadulterated censorship as imposed by the Commission only last week must be apparent to all of you. It is a real threat against the newspaper and the freedom of the individual. It is something abhorrent to every American to whom freedom of speech is a precious heritage.

This action of the Radio Commission is undemocratic control of radio, and we have only to look at some of the countries of the Old World where broadcasting has been converted into the most powerful weapon of dictatorship to fully appreciate the significance of such control.

Heretofore, radio has taken its place with freedom of religion, speech, and the press, but this action completely destroys that freedom and makes it the slave of a bureaucratic government.

Mr. Chairman, the amazing predicament in which we find ourselves today calls for immediate remedial action. The President of the United States, in view of this serious situation, should forthwith demand the resignation of the entire Commission.

THE HERALD-TRIBUNE EDITORIAL

It was a foregone conclusion that the National Association of Broadcasters would protest the latest ruling of the Federal Communications Commission which restricts the broadcasting of international programs to material that "reflects the culture of the country and will promote international good will, understanding and co-operation." This, as others had already pointed out, is a form of censorship, and as such is to be resisted and rejected. As the National Association of Broadcasters is interested not only to see all efforts to impose censorship nipped in the bud, but also to see the standards of broadcasting maintained at their highest, it has naturally taken up the fight against the FCC ruling.

As a matter of fact this ruling deserves the widest possible attention on the part of every one interested in freedom of speech. Whether or not the FCC intended that the ruling should serve as an entering wedge for censorship is not the question. No matter how well intentioned the Commission's motives, the fact remains that the ruling can be interpreted so broadly that it implies drastic powers of interference in and control of broadcasting programs by the government, and that, coupled with the existing provision whereby the licenses of broadcasting stations are renewable every six months at the pleasure of the Commission, what is in effect a form of censorship is thus established.

The experience in Europe has shown very plainly that control of the air is the first objective of those who wish to see freedom of speech curtailed. The next is control of the press. These things are inseparable, and they are in defiance of the guaranties in the Constitution. For this reason the FCC ruling concerns not only the radio broadcasters but also the country at large. It should be reviewed and rescinded—unless, that is, the Administration has decided that in violation of the express provision of the act of Congress establishing the powers of the FCC this body is to become a board of censors. If this is what is intended the country has a right to know—and to act accordingly.

COPYRIGHT COMMITTEE

The Copyright Committee was in session in New York for two days (June 5-6) and gave very serious consideration to all angles of the copyright problem. Although no definite announcement can be made at this time, there were several significant developments all of which augur well.

All the various elements of the industry were represented by members who were well versed in the problems facing each particular class of station and all problems were carefully analyzed. Definite detailed information collected in various surveys, from FCC records and from questionnaires and letters from stations were presented to the committee for study.

It is the intention of the committee to know the possible effect of all plans and to select a plan which will be fair to all and which will work when adopted.

The most significant thing is that all elements of the industry are united and determined to approach copyright on an industry-wide basis, and to obtain a solution which will be both acceptable and fair to all elements. It was definitely agreed that all elements were represented on the committee and that the committee would be the sole negotiating agency for the industry, and that no negotiations would be carried on with ASCAP except through the committee.

The negotiating committee consisting of Messrs. Klauber, Lohr, Rosenbaum, Elmer and Miller met June 7 for further discussion. This committee has made an appointment with ASCAP officials for Thursday, June 15, for further discussion.

It is the object of the committee to push the negotiations as rapidly as possible so the industry may know what the final proposal of ASCAP is in the near future and long before the expiration of the present contracts.

At the meeting were:

Edwin W. Craig, WSM, Nashville, Tenn.; Walter J. Damm, WTMJ, Milwaukee, Wis.; John Elmer, WCBM, Baltimore, Md.; Gregory Gentling, KROC, Rochester, Minn.; Edward Klauber and Joseph Ream, CBS, New York City; Lenox Lohr and Mark Woods, NBC, New York City; I. R. Lounsberry, WGR, Buffalo, N. Y.; Ed Cranny, KGIR, Butte, Mont.; Sam Rosenbaum, WFIL, Philadelphia, Pa.; Clair McCollough, WGAL, Lancaster, Pa.; John Shepard, 3rd, Yankee Network, Boston, Mass.; Theodore C. Streibert, MBS, New York City; and Harold Wheelahan, WSMB, New Orleans, La.

Headquarters was represented by Neville Miller, President; Paul Peter, Research; Andrew Bennett, Legal Department; and Edwin M. Spence, Secretary-Treasurer.

TENTATIVE, PROPOSED CODE RELEASED TO MEMBERS TOMORROW

The proposed and tentative Code and new Standards of Practice which have been in the process of development since last December will be mailed tomorrow to all members.

Members are asked to examine and study it carefully and thoroughly during the intervening thirty days between now and the opening of the Annual Convention when the adoption of a code in final form will be the first order of business.

President Miller has asked every member to make comment, criticism and to advance suggested revisions between now and the time of the next meeting of the Code Committee, which will hold its final session two days prior to the convention to consider changes and recommendations made by NAB members.

The Committee has earnestly endeavored to bring forth a Code under which all might live, which protects the interests of both the listening public and the industry. It is a Code *voluntarily* imposed by member stations who will pledge *mutually* to comply with its provisions to the ultimate advance of the radio art itself in the service and acceptance of the American people. It is regarded as one of the most forward-looking steps undertaken in democratic, industrial self-regulation.

Committee members present at the New York meeting:

Edgar L. Bill, WMBD, Peoria, Ill.; E. B. Craney, KGIR, Butte, Mont.; Walter J. Damm, WTMJ, Milwaukee, Wis.; Earl J. Glade, KSL, Salt Lake City, Utah; Gilson Gray, CBS, New York City; William S. Hedges, NBC, New York City; Herbert Hollister, KANS, Wichita, Kans.; Paul W. Morency, WTIC, Hartford, Conn.; Theodore C. Streibert, MBS, New York, N. Y.; Mark Woods, NBC, New York City; and Karl O. Wyler, KTSM, El Paso, Tex. Messrs. Neville Miller, Edward M. Kirby, and Edwin M. Spence, of Headquarters Office were also in attendance.

McNINCH TO STAY AT FCC

The following letters between Chairman Frank R. McNinch of the FCC and President Roosevelt were exchanged this week:

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

June 7, 1939

My dear Mr. President,

You will recall that some time ago we discussed your reappointment of me to the Federal Power Commission, from which I had resigned to take up the work as Chairman of the Federal Communications Commission, at such time as my work at the latter Commission had been completed. I then expressed doubt as to whether or not I would feel like undertaking the responsibility of another five year term on the Federal Power Commission. You were gracious enough to leave this matter for my further consideration.

Now that the term of office on the Federal Power Commission expires June 22, 1939, I deem it my duty to call this fact to your attention and to advise you that, after most careful consideration, I must regretfully tell you that I hope you will not further consider me in that connection.

With assurances of my appreciation for your generous consideration and of my continuing high regard of and loyalty to you, I am

Faithfully yours,
Frank R. McNinch, *Chairman*,
Federal Communications Commission.

To the President
The White House.

THE WHITE HOUSE
WASHINGTON

June 8, 1939

Dear Frank:

Please accept my thanks for your thoughtful note of June seventh, reminding me that the term for which you were appointed as a member of the Federal Power Commission expires on June twenty-second and that you do not feel like returning to the responsibilities which a reappointment would entail.

I received word of your decision with less misgiving because it means that you can continue your service as Chairman of the Federal Communications Commission and devote all of your time to the exacting duties of that difficult post. I cannot, however, allow this opportunity to pass without expressing my sincere thanks for the splendid work you did as Chairman of the Federal Power Commission. Your industry, your skill in the elucidation of complex problems and your faithful stewardship of the public interest at all times, have made your services invaluable. You will be interested to know that I have decided to nominate Mr. Leland Olds of New York as your successor.

I do hope you will have a care for your health and with all good wishes remain, as always,

Very sincerely yours,
/s/ Franklin D. Roosevelt.

Honorable Frank R. McNinch,
Chairman,
Federal Communications Commission,
Washington, D. C.

RADIO TO BE SPOTLIGHTED AT ADVERTISING CONVENTION

With Mayor Fiorello LaGuardia of New York as guest speaker, the NAB Sales Managers' Committee, in conjunction with the new NAB Bureau of Radio Advertising, will occupy the spotlight at the Advertising Federation of America's annual convention at a luncheon to be attended by leading advertisers and agency executives, at the Hotel Waldorf-Astoria in New York, on June 20 at 12:30 P. M.

Neville Miller, president of the NAB, will introduce Mayor LaGuardia and act as toastmaster. Mr. LaGuardia will speak on "Radio By the American Plan." Entertainment throughout the luncheon will be made possible by the cooperation of the networks.

During the morning of June 20, the Sales Managers' Committee, under the chairmanship of Craig Lawrence, KSO-KRNT, will meet with advertising and sales managers, agency principals, account executives and radio time buyers from eastern, midwestern and far western points, for a discussion of mutual problems and for an informal analysis of the proposed new NAB Code and Standards of Practice. Mr. Miller will be present at this meeting and will be assisted by Paul Peter, Director of Research, and Ed Kirby, Director of Public Relations, who have the joint responsibility for the creation and development of the new Bureau of Radio Advertising.

Representatives of international short-wave stations will discuss the problems of international advertising by short-wave which has recently been permitted by FCC ruling. Curtis Mitchell, editor of RADIO GUIDE, will deliver an analysis of some of the shortcomings of commercial program promotion and publicity under the title "Sacred Cows of Broadcasting."

Following the luncheon there will be a closed meeting of all Sales Managers in attendance. This meeting is scheduled at 2:30.

Station owners, managers and sales managers are urged to be present at these important advertising conferences where leaders in advertising will take part in a discussion of mutual problems vital to the welfare of radio.

MILLER TO ADDRESS RMA

President Neville Miller will address the annual convention of the Radio Manufacturers Association to be held in the Hotel Stevens, June 13. His subject will be "Teamwork between RMA and NAB."

It is expected that he will outline new plans for the extension and intensification of the year-round NAB-RMA campaign.

KIRBY ADDRESSES BETTER BUSINESS MEETING IN BUFFALO

Speaking at the Business-Consumer Relations Conference, held under the auspices of the National Association of Better Business Bureaus in Buffalo this week, Ed Kirby, Director of Public Relations, told the critics of advertising that advertising furnishes the economic foundation of both a free press and a free American radio, and as such "bears a profound social importance in our democracy."

He stated further that honest merchants and manufacturers, engaged in the production, distribution and advertising of legitimate commerce through established avenues not only "welcome such consumer-relations gatherings, but encourage them." "Only the back-alley manufacturer, the fly-by-night vendor have anything to fear from a searching inquiry into the truth of advertising claims and statements," he stated.

Among those present at the gathering were Mr. John Benson, president of the AAAA; Mr. Walter D. Fuller, president of the Curtis Publishing Company; representatives from the Federal Trade Commission, the Department of Agriculture, the Consumer-Relations Division of the Securities and Exchange Commission, and various organized women's consumer study and cooperative groups.

It was the feeling of those representing advertising media that one of the new developments in the field of public relations would be in the inauguration of special studies in "consumer relations."

ACCOUNTING COMMITTEE

At a meeting of the Accounting Committee held at the Ritz Tower Hotel, New York City, June 1 and 2, the proposed questionnaire to be sent to all licensees by the FCC Accounting Department was thoroughly discussed. Mr. William J. Norfleet, FCC Chief Accountant, and Mr. de Quincy Sutton, of the FCC, attended the two day conference. Messrs. Norfleet and Sutton, on behalf of the department, were very cooperative. As a result of information obtained at previous meetings and the agreements reached at this meeting, the NAB hopes that the form of the questionnaire will be simplified so that information desired may be more easily obtained from the records as kept by station licensees. Members of the Committee present were: Chairman Harry C. Wilder, and N. L. Kidd, WSYR, Syracuse, New York; E. E. Hill, WTAG, Worcester, Massachusetts; Frank White, CBS; S. R. Dean and Harry F. McKeon, NBC; and Edwin M. Spence of NAB Headquarters Office.

Legal

TRANSCRIPTIONS AND RECORDS

Congressman James P. McGranery (D-Penna) on June 6 introduced a new bill (H. R. 6695) in Congress to amend the Communications Act so as to prohibit and penalize the recording or other mechanical reproduction of "music or other program material" without the consent in writing of the performers. This bill is similar to that introduced by Congressman Schulte (H. R. 5791) at the instigation of the Musicians' Union. It is understood that Mr. McGranery's bill is sponsored by Maurice J. Speiser, attorney for the National Association of Performing Artists. This Association is patterned after ASCAP and has been conducting a campaign for some time with the objective of preventing the use of phonograph records by stations without a license from the Association.

The McGranery bill is a word-for-word copy of the Schulte bill, with the exception that the following sentence is included in the McGranery bill: "This act is not to apply to any case of recording for private, personal, civic, or political use, or to any recording of any address or talk on subjects of a public nature." The proposed statute provides that the consent in writing of all performers of music or other program material must be obtained before the program can be recorded or otherwise mechanically reproduced for profit or gain. This includes each member of an orchestra and each participant in a program, including announcers. The penalty for violation is a fine of not more than $10,000 or imprisonment for a term of not more than two years, or both. Unless the written consent of each performer is obtained, the proposed law may prevent: (1) recording for audition purposes; (2) recording network program for subsequent rebroadcast when conditions prevent a broadcast at the time the program is delivered by the network; (3) rebroadcast of programs originating in foreign countries; (4) broadcasting of transcriptions or phonograph records; (5) the recording or rebroadcast of all addresses or speeches except those on subjects of a public nature, whether originating in this country or in a foreign country. The bill does not define what constitutes an address or talk of "a public nature."

The attention of all broadcasters is called to the NAB special mimeographed bulletin dated May 4 with respect to the Schulte bill. If you have not already advised Headquarters of the effect this bill will have on your station, it is urged that you do so immediately. The McGranery bill as introduced reads:

"A BILL

"To amend the Communications Act of 1934 so as to prohibit and penalize the unauthorized mechanical reproduction of music and other wire and radio-program material.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communications Act of 1934 is hereby amended by adding after section 505 a new section reading as follows:

"'SEC. 506. It is hereby declared to be unlawful for any person, without the consent in writing of the performer or performers of said music or other program material, (a) to record or otherwise mechanically reproduce or cause to be recorded or otherwise mechanically reproduced within the United States, for profit or gain, any music or other program material of any kind transmitted in any manner mentioned or described in section 2 (a); or (b) to offer for sale, sell, lease, or license, or to have in his possession for the purpose of sale, lease, or license, any record or other mechanical reproduction of music or other program material of any kind transmitted as aforesaid. This Act is not to apply to any case of recording for private, personal, civic, or political use, or to any recording of any address or talk on subjects of a public nature. Any person violating this section shall, upon conviction thereof, be punished as provided in section 501; and all records or other mechanical reproductions made in violation of this section may be seized on warrant issued by or under the direction of Attorney General of the United States, and the appropriate district court of the United States or any judge thereof may on proper cause shown order the destruction of such records or other mechanical reproductions.' "

BILLS AFFECTING BROADCASTING

CONGRESS

H. R. 6695 (Mr. McGranery, D.-Penna.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee.

STATE LEGISLATION

Connecticut:

S. 167 (Fraser) FOOD AND DRUGS—FALSE ADVERTISING —Uniform State Food, Drug and Cosmetic Act, prohibiting adulteration, false advertising, mislabeling, etc., with penalty of not more than six months in jail or not more than $500 fine for violation. Prepared by the State Food and Dairy Department in line with federal regulations. Referred to Public Health and Safety.

Florida: (Adjourned Sine Die June 2)

H. 2038 (House Committee on Finance & Taxation) GROSS RECEIPTS TAX—Amending Sections 1, 2, 3, 4, 6, 7, 8, 10 and 15 of Chapter 16848 of 1935 relating to the relief of public free schools, imposing a tax upon the privilege of operating stores, etc., by decreasing a license or flat tax and by increasing the tax on gross receipts to be collected thereunder and by levying a gross receipts tax on other businesses and providing for penalties. Killed in Senate 6-1.

S. 1199 (Committee on Finance and Taxation) RACING REGULATION—Prohibiting any person, firm or corporation, operating a race track in this state, to maintain or to allow any other person, etc., to maintain and operate any telephonic or telegraphic facilities for the transmission of any information concerning racing from such track, without first obtaining permit to do so from the racing commission, etc. Referred to Calendar without reference.

Pennsylvania: (Adjourned Sine Die 5-30.)

H. 389 (Atkins et al) PENAL LAWS—Revision of the penal laws of the Commonwealth. Passed House 4-27 and Senate, as amended, 5-23.

South Carolina:

S. 858 (Bates) HOSPITAL DISTURBANCE—Makes it unlawful to annoy or disturb hospital or sanatorium patients by the use of radios or other musical instruments. Referred to Medical Affairs Committee.

Engineers, FCC Discuss New Rules and Regulations

Following the oral argument held before the FCC June 1, an informal engineering conference was held to discuss all the engineering questions involved in the proposed new rules and standards of good engineering practice. The conference was started by Chief Engineer Jett who had to leave early and turned the chairmanship of the conference over to Andrew Ring.

The conference lasted from June 5 to June 6. R. M. Wilmotte represented the NAB Engineering Committee. There were present of the Engineering Committee O. B. Hanson (NBC), William Lodge (CBS), E. J. Content (Mutual and WOR), John DeWitt, Jr., (clear channel group), G. P. Houston (WCBM). There were also present among others, representatives of WLW, WCAU and several consulting engineers.

The conference was ably led by the Chairman who clarified many regulations, the purpose of which had not been clear to broadcasters generally. Mr. Ring was receptive to many suggestions made and, although he explained that his report based on information that he gathered at the conference, would be reviewed by the FCC, it appeared likely that most of the suggestions of the NAB Engineering Committee had a good chance to be adopted.

Much of the discussion dealt with highly technical matters but on the whole, the Chairman seemed to react favorably to many suggestions which tended to make some of the regulations less rigid. Many such points were in themselves of minor importance but the trend on the whole seemed desirable. For instance, on page 12.3a of the Standards of Good Engineering Practice, it was originally proposed to require "proper bleeder resistors" to be installed across all condenser banks so as to reduce the danger of shock. It was suggested and accepted that bleeder resistors be changed to "effective automatic means." With this change, the broadcaster is at liberty to use any reasonable means that is suitable.

Another example in the same direction was the suggestion by Mr. Wilmotte that there should be some leeway between the required standards of performance of equipment under laboratory tests and the required standard of performance under normal operating conditions. That is when passing on the acceptability of a transmitter, for instance, the FCC should require a higher standard than it should require from the performance of the same transmitter under normal operating conditions in the field. The proposed standards did not differentiate between these two conditions. The suggested principle seemed to be accepted.

Many of these technical standards are difficult to establish and it was indicated that it might be desirable to continue studying them even after their adoption with a view of improving the engineering requirements to fit in with reasonable standards of operation.

Some of the broad problems and principles which had been brought up by Mr. Hogan at the original hearing on June 6, 1938 on behalf of the Engineering Committee of NAB were presented again by Mr. Wilmotte with the suggestion that the present Rules and Standards should not be held up for any major modification which might cause delay, and that committees be set up to study the possibility of amending the Proposed Rules and the Standards of Good Engineering Practice to fit in more closely with the broad principles suggested by Mr. Hogan.

Of special interest to broadcasters were the following amendments to the Proposed Standards of Good Engineering Practice which seemed likely to be adopted.

In the Proposed Standards the adjacent channel interference to the secondary service of clear channel stations were not protected from the adjacent channel interference. The Proposed Amendment was to give consideration to the protection of this service based on the merits of each case.

On page 1.3a, it is indicated that in certain cases protection may be granted beyond the normally protected contour of a station. "When it is shown that primary service is rendered beyond the normally protected contour, and when primary service of 90% of the population of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration."

It was suggested that the figure 90% be deleted, but Mr. Ring pointed out that, if no standard were used, there would be danger of abuse developing and of considerable variations existing between decisions in individual cases. He also stated that the figure of 90% was not to be interpreted as a rule but only as a guide and that in certain cases it might be possible to consider much smaller percentages than 90%. He was in favor of retaining the figure 90% but thought that it was reasonable to change the wording to read "approximately 90%."

Mr. Ring suggested that it might be desirable that the measurements of power be made uniform and that the direct method of measurement be used in all cases. Owing to the increased efficiency of low powered transmitters, many 100 watt stations would have to reduce their power if it was measured by the direct method. Mr. Ring pointed out in the new Rules, local stations could apply for 250 watts of power and considered that there would be no hardship in this case. Representatives of the local stations who were present agreed.

In conclusion, it was stated that the Standards of Good Engineering Practice particularly as they affect the allocation of stations were to be interpreted as guides. In all cases special consideration would be given by the FCC to special conditions and requirements for the service of areas that were not properly served. In other words, broadcasters and applicants will have the right to present evidence indicating that the Standards of Good Engineering Practice should not be applied strictly in certain cases where they can show that deviation from these standards would be for the benefit of the listening public.

R. M. Wilmotte.

773 STATIONS

The FCC during the month of May issued an operating license to one new station and granted a permit for the construction of one new station. A comparative table by months is given below:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	Jun. 1
Operating stations	722	727	729	732	734	735
Construction permits	42	39	37	37	38	38
Total	764	766	766	769	772	773

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission, in a Proposed Findings of Fact, proposes to grant the application of WJAC, **Johnstown, Pennsylvania,** to change its assignment from sharing time with WFBG on **1310 kilocycles,** 250 watts day, 100 watts night, to unlimited operation on **1370 kilocycles,** using the same power.

In its Proposed Findings, the Commission stated that the granting of the application will result in a "more fair, efficient, and equitable distribution of radio service to a population of more than one hundred thousand persons." The Commission stated also that the operation of the station as proposed will not cause objectionable interference.

The application of Richland, Inc., for a new broadcast station at **Mansfield, Ohio,** to use **1370 kilocycles,** 250 watts power, daytime only, is proposed to be granted in a Proposed Findings of Fact of the Commission.

It is stated by the Commission that the applicant is in all ways qualified to construct and operate the proposed station and that a public need exists for the service which the applicant seeks to render. It is stated also by the Commission that the availability of economic support and of program talent "has been shown to a degree which gives reasonable assurance of operation in the public interest."

DECISION OF COMMISSION

The Federal Communications Commission has granted the application of the Sunbury Broadcasting Corporation, licensee of WKOK, **Sunbury, Pennsylvania,** to operate unlimited time instead of specified hours on its frequency of **1210 kilocycles,** 100 watts power.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of June 12. They are subject to change.

Thursday, June 15

Further Argument Before the Commission

Examiner's Report No. I-664:

NEW—King-Trencle Broadcasting Corp., Grand Rapids, Mich.—C. P., **1010 kc.,** 250 watts, unlimited time.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., **1010 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1360 kc.,** 500 watts, shares WGES.

Thursday, June 15

Further Hearing

Broadcast

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

Friday, June 16

KRKO—Lee E. Mudgett, Everett, Wash.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.,** 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Renewal of license, **1370 kc.,** 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to The Everett Broadcasting Co., Inc. (Assignee); **1370 kc.,** 50 watts, shares KEEN.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 7

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.,** 500 watts, 500 watts LS, shares KFNF.

July 11

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modification of license, **1210 kc.,** 100 watts, unlimited time. Present assignment: **1210 kc.,** 100 watts, daytime.

KNEL—G. L. Burns, Brady, Tex.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 250 watts, daytime.

July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1420 kc.,** 100 watts, daytime.

September 6

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **570 kc.,** 1 KW, unlimited time (DA night and day). Present assignment: **1500 kc.,** 100 watts, unlimited time.

September 11

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KSAL—R. J. Laubengayer, Salina, Kans.—Granted assignment of license of KSAL from R. J. Laubengayer to KSAL, Inc.

W8XKA—Westinghouse E. and M. Co., Pittsburgh, Pa.—Granted C. P. to install a new transmitter in high frequency broadcast station; change frequency to **42600 kc.** on an experimental basis conditionally; increase power to 1 KW; move to new transmitter location in Springfield, Mass., and change emission to special for frequency modulation on an experimental basis in accordance with Sec. 40.01-40.11 and Sec. 44.01-44.07 of high frequency broadcast station W8XKA.

W1XKB—Westinghouse E. and M. Co., East Springfield, Mass.—Granted C. P. to install a new transmitter and change frequency to **42380 kc.,** and increase power to 1 KW on an experimental basis in accordance with Sec. 40.01-40.11, of high frequency broadcast station W1XKB.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Granted voluntary assignment of license of WBNO from Coliseum Place Baptist Church to WBNO, Inc.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABC, San Antonio, Tex.; KBST, Big Spring, Tex.; KCMC, Texarkana, Tex.; KDB, Santa Barbara, Calif.; KELD, El Dorado, Ark.; KEUB, Price, Utah; KERN, Bakersfield, Calif.; KFAM, St. Cloud, Minn.; KFGQ, Boone, Iowa; KFJZ, Fort Worth, Tex.; KGFF, Shawnee, Okla.; KFKL, San Angelo, Tex.; KGKY, Scottsbluff, Nebr.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNEL, Brady, Tex.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOVC, Valley City, N. Dak.; KPLC, Lake Charles, La.; KPLT, Paris, Tex.; KPQ, Wenatchee, Wash.; KRBC, Abilene, Tex.; KSAM, Huntsville, Tex.; KTOK, Oklahoma City, Okla.; KUJ, Walla Walla, Wash.; KUTA, Salt Lake City, Utah; WAGM, Presque Isle, Maine; WBNY, Buffalo, N. Y.; WCBS, Springfield, Ill.; WDAS and auxiliary, Philadelphia; WDWS, Champaign, Ill.; WELL, Battle Creek, Mich.; WGPC, Albany, Ga.; WHBB, Selma, Ala.; WHLB, Virginia, Minn.; WJMS, Ironwood, Mich.; WKBZ, Muskegon, Mich.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMBR, Jacksonville, Fla.; WMAS, Springfield, Mass.; WNBF, Binghamton, N. Y.; WNLC, New London, Conn.; WOMI, Owensboro, Ky.; WPAR, Parkersburg, W. Va.; WPRA, Mayaguez, P. R.; WRGA, Rome, Ga.; WRTD, Richmond, Va.; WSLI, Jackson, Miss.; WWSW, Pittsburgh, Pa.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Dr. Willard Craver, Thomas B. Williams and Byrne Ross (a partnership), Lawton, Okla.—C. P. for new station at Lawton, Okla., to operate on frequency **1420 kc.,** 100 watts night, 100 watts day, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WSPR—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners as Conn. Valley Broadcasting Co., Springfield, Mass.—Modification of license to change frequency from **1140 kc.** to **1240 kc.,** and power from 500 watts, limited time, to 250 watts night, 500 watts day, unlimited time. Application designated for hearing because pending applications involve increase in service and interference.)

KGHF—Curtis P. Ritchie, Pueblo, Colo.—C. P. to move transmitter site locally from 111 Broadway to corner Lake and Maryland Avenues; make changes in composite equipment and increase power from 500 watts to 1 KW. (Application designated for hearing on the following issues: to determine whether the interests of any other stations may be adversely affected by reason of interference, particularly stations KID and KRNT; because of the pendency of other applications with which a conflict may be had by reason of interference, i.e., Yuba-Sutter Broadcasters and F. W. Meyers; to determine whether the equipment which applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rules 131 and 139, and will render proper service.)

MISCELLANEOUS

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously non-synchronously with station KFAB commencing 4:45 a. m., CST, for the period June 10 to July 9, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously non-synchronously with station WBBM.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m., EDST, to conclusion of National and American League teams games on June 15, 16, 20, 26 and July 6 and 13.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted special temporary authority to operate a test transmitter for a period not to exceed 10 days, alternately on frequency **25.25 megacycles** and frequency **43.54 megacycles,** with power of 50 watts, in order to determine which of these frequencies would be most satisfactory for operation of facsimile broadcast station W8XUM.

In re: Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.—Granted request filed by counsel for Mayor LaGuardia for continuance of hearing heretofore scheduled for June 7, and continued same until September 11, 1939.

W9XUY—Central States Broadcasting Co., Lincoln, Nebr.—Designated application for renewal of high frequency broadcast station for hearing and granted temporary license pending hearing and decision. (Application was designated for hearing to determine technical and financial qualifications, equipment, and program service.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to reduce power 15 minutes earlier than specified in license when necessary to prevent interruption of continuous programs during month of June.

W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authorization to rebroadcast over high frequency broadcast station W9XA programs originating from standard broadcast station KCMO, for the normal license period of high frequency broadcast stations expiring April 1, 1940.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast the program material to be received from American Air Lines Plane NC-14966, operating on frequency **2790 kc.,** from 12:30 to 12:45 p. m., EST, on June 4, in connection with the flood control program sponsored by the Ohio Chamber of Commerce.

KROY—Royal Miller, Sacramento, Calif.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals over station KROY from NAA-NSS at Washington, D. C., for the period June 1 to December 1, 1939.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Denied special temporary authority to operate from 8:30 p. m. to approximately 11 p. m., CST, or to end of game, on May 31, June 1, 2, 5, 6, 7, 8, 9, 12, 13, 14 and 15, in order to broadcast night games of Northern Baseball League.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted motion to accept late appearance in re application for C. P. to change power and time of operation.

WPAX—H. Wimpy, Thomasville, Ga.—Granted request for order to take depositions in re application of John F. Arrington, Jr., for a new station in Valdosta, Ga., to use **1230 kc.,** 250 watts, unlimited time.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted motion for postponement of hearing now scheduled for July 12, new date to be fixed by Secretary's Office, in re application of KUTA for C. P. to install new transmitter and antenna, and change frequency, power, and time of operation.

NEW—Samuel M. Emison, Vincennes, Ind.—Granted motion for order to take depositions in re application for new station to operate on **1420 kc.,** 100 watts, unlimited time.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted petition to postpone hearing now scheduled for June 6, new date to be fixed by Secretary's Office, in re application for renewal of license.

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Granted motion for leave to amend application so as to request change in frequency from **630 kc.** to **930 kc.**

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted petition to vacate order to take depositions in re application for C. P. to install new transmitter, change frequency, power, and time of operation.

NEW—Roy E. Martin, Opelika, Ala.—Denied petition for leave to dismiss without prejudice application for C. P. to operate on **1310 kc.,** 100 watts night, 250 watts LS, unlimited time.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to remain silent for the period June 15 to September 20, in order to observe college vacation.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW at night, for the period June 4 to July 3, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.,** or reduces power so that additional interference is not involved.

WHP—WHP, Inc., Harrisburg, Pa.—Granted C. P. to install new type transmitter.

WHDV—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 9:30 to 10:30 a. m., CST, on June 13, in order to broadcast Soumi College Dedicatory Services.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate with power of 100 watts, from 7:30 p. m., June 6, to 1 a. m., EST, on June 7, in order to broadcast congressional election returns.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11:05 p. m., using 100 watts power, on June 3, 10, 17, 24, in order to broadcast Fair programs; on June 5 and 12, in order to broadcast Legion programs; on June 16, 23, 30, in order to broadcast Community Jamboree.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material to be received from the American Air Line Plane No. 66, NC-14966, operating on frequencies **1622, 2058, 2150** and **2790 kc.,** from 10 a. m. to 1 p. m., EST, on June 4.

WDAY, Inc., Fargo, N. Dak.—Granted special temporary authority to operate a relay broadcast station on June 6, 7, 8, 9 and 10, on frequencies **30820, 33740, 35820, 37980 kc.,** 25 watts power, in connection with visit of Norwegian Crown Prince and Princess and Shrine Convention on June 7.

RCA Mfg. Co., Inc., New York City.—Granted extension of special temporary authority to operate general experimental station W3XDS, using frequency **950 kc.,** with 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2 to 7 a. m., DST, on Sundays, midnight to 5 a. m., DST, on Mondays, and 1 to 5 a. m., DST, from Tuesday through Saturday, for the period June 9 to July 8.

In re: Frequency Monitors Required by Sec. 40.02.—The Commission approved a notice to be sent to all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations, relative to the extension of the effective date of Sec. 40.02 (old Rule 981).

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted petition for reconsideration and grant of application for renewal of license, which was heretofore designated for hearing.

WCBA—B. Bryan Musselmann, Allentown, Pa., Assignor, and Lehigh Valley Broadcasting Co., Assignee, Allentown, Pa.; and WSAN—WSAN, Inc., Allentown, Pa., Assignor, and Lehigh Valley Broadcasting Co., Assignee, Allentown, Pa.—Denied motion of these parties to strike the issues, quash the hearing notice, and reconsider the applications for consent to assignment of licenses of stations WCBA and WSAN (Commissioner Craven voting "No").

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Denied motion requesting that the Commission dismiss and return the application of Oregon State Agricultural College (KOAC) for authority to increase its power from 1 KW to 5 KW, on frequency **550 kc.,** unlimited time.

NEW—Marion C. McCabe, Atlantic City, N. J.—Dismissed motion to set aside Order Granting Motion to Strike Protest and Petition for Rehearing that the said Marion C. McCabe has any legal interest in or is aggrieved or adversely affected by the action of the Commission involving the application of Press Union Publishing Co. for a new station in Atlantic City, N. J.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Dismissed petition of WJBL for denial of the application of Sherman V. Coultas, Milton Edge and Hobart Stephenson, because of dissolution of the applicant partnership, and denied petition of Edge and Stephenson for leave to amend their application by substitution of Edgar J. Korsmeyer as a member of the partnership for Sherman V. Coultas, deceased, and the application of the aforesaid applicant partnership was dismissed without prejudice to the right of the partners Edge and Stephenson to participate in the filing of a new application for the same or similar facilities.

WMBG—Havens & Martin, Inc., Richmond, Va.—Dismissed the petition of WMBG for severance of its application (Docket 4846) from that of WBNX Broadcasting Co., Inc. (Docket No. 4406) for the purposes of decision.

NEW—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on **1606, 2022, 2102, 2758 kc.;** power 100 watts, unlimited time.

NEW—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted license for new relay broadcast station (utilizing the equipment of high frequency relay broadcast station, W9XSM, owned by the applicant); to operate on **1606, 2022, 2102, 2758 kc.;** power 10 watts, unlimited.

NEW—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted license for new high frequency relay broadcast station (utilizing the equipment of relay broadcast station WAHJ, owned by the applicant), to operate on **30820, 33740, 35820, 37980 kc.;** power 25 watts, unlimited.

WNYL—City of New York, Municipal Broadcasting System, New York, N. Y., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station to operate on **1622, 2058, 2150** and **2790 kc.;** power 50 watts, according to Section 41.04.

WNYK—City of New York, Municipal Broadcasting System, New York, N. Y., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station to operate on **1622, 2058, 2150** and **2790 kc.;** power 50 watts, according to Section 41.04.

W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted modification of C. P. for extension of time of completion date from June 15 to December 15, 1939, conditionally.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Granted modification of C. P. for approval of transmitter and studio sites, at Coal Branch Heights, near Charleston and 1016 Lee St., Charleston; changes in equipment and installation of vertical radiator.

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted special temporary authority to make transmitter site tests, using 100 watts portable transmitter between the hours of 12 midnight and 6 a. m., CST, for the period June 15 to July 7, 1939.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m., CST, on June 5, 1939, in order to broadcast Commencement exercises of South Dakota State College.

WHBY—WHBY, Inc., Green Bay, Wis.—Granted application for renewal of license for the period ending November 1, 1939.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period June 8 to July 7, in order to conduct experimental farm programs.

CKLW—Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up Man on the Street program daily from 5 to 5:15 p. m., EST, for the period June 7 to June 17.

WQDM—Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:45 to 10 p. m., on June 15, in order to broadcast graduation exercises of St. Mary's High School in St. Albans.

W2XWC—Kolorama Labs., Inc., Irvington, N. J.—Granted extension of special temporary authority to operate a television transmitter for test and experimental purposes only, for radio television transmitter in the **2000-2100 kc.** band, for operation between the hours of 12 midnight and 6 a. m., on a non-interference basis, with power of 500 watts, for the period June 7 to July 6.

APPLICATIONS FILED AT FCC

560 Kilocycles

KWTO—Ozarks Broadcasting Company, Inc., Springfield, Mo.—Modification of license to change hours of operation by adding time from 5 to 6 a. m., using 1 KW power. (In addition to present licensed time of daytime with 5 KW power.)

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authority to operate with 5 KW power, using directional antenna, from sunset at KPO to 11 p. m., EST, for period 8-1-39 to 2-1-40.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—License to cover construction permit B1-P-2363, for equipment changes.

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Construction permit to make changes in transmitting equipment.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authority to operate unlimited time, period 8-1-39 to 2-1-40.

930 Kilocycles

KMAC—W. W. McAllister & Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—Construction permit to make changes in equipment, antenna, change frequency from **1370** to **630 kc.**, increase power from 100 watts, 250 watts LS, to 1 KW, change hours of operation from S-KONO to unlimited. Amended: Antenna changes and change requested frequency to **930 kc.**

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Texas.—Modification of construction permit B3-P-2080, for increase in power, new transmitter and directional antenna for day and night use, move of transmitter requesting authority to extend completion date from 7-1-39 to 8-1-39.

1120 Kilocycles

WISN—Hearst Radio, Inc., New York, N. Y.—Modification of license to increase power from 250 watts night, 1 KW day, to 500 watts night, 1 KW day.

1140 Kilocycles

WSPR—Quincy A. Brackett, Lewis B. Breed, and Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., Springfield, Conn.—Voluntary assignment of license from Quincy A. Brackett, Lewis B. Breed and Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., to WSPR, Inc.

1200 Kilocycles

NEW—W. B. Dennis, Plainview, Tex.—Construction permit for a new station on **1200 kc.**, 100 watts, daytime operation.

WJBW—Charles C. Carlson, New Orleans, La.—License to cover construction permit B3-P-2244 as modified for new equipment and move of transmitter.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind. —Construction permit to move transmitter locally 150 feet (same address).

1390 Kilocycles

NEW—Hazlewood, Inc., Orlando, Fla.—Construction permit for a new broadcast station to be operated on **1390 kc.**, 1 KW, unlimited time.

1420 Kilocycles

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Modification of license to change hours of operation from simultaneous day, shares night with WILM, to unlimited time.

WILM—Delaware Broadcasting Company, Wilmington, Del.—Modification of license to change hours of operation from simultaneous day, shares night with WAZL, to unlimited time.

1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—Modification of construction permit (B2-P-2090) to increase power, install new transmitter and directional antenna for night use, further requesting change in type of transmitting equipment.

1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind. —Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna, day *and night.*

1500 Kilocycles

NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to request **1370 kc.** frequency.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—License to cover construction permit B2-P-2299 to install new antenna and move of transmitter.

MISCELLANEOUS

NEW—William G. H. Finch, New York, N. Y.—License to utilize the equipment of W2XBF for high frequency broadcast station to be operated on **42260** and **43400 kc.**, 1 KW, A3 and Special Emission. Amended to request frequency **42180 kc.**, and emission A3 for amplitude modulation.

NEW—Joe L. Smith, Jr., area of Beckley, W. Va. (Portable-Mobile).—Construction permit for a new relay broadcast station on **1622**, **2058**, **2150** and **2790 kc.**, power 75 watts, A-3 emission.

NEW—Donald C. Treloar, vicinity of Kalispell, Mont.—Construction permit for a new portable-mobile relay broadcast station on **31220 kc.**, 10 watts power, A-3 emission. Amended to request frequencies **30820**, **33740**, **35820** and **37980 kc.**

NEW—Don Lee Broadcasting System, Inc., Portable-Mobile, Los Angeles and environs.—Construction permit for a new television broadcast station on **156000-162000 kc.**, 100 watts power, A-5 for Visual Emission only.

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new relay broadcast station on **31620**, **35260**, **37340**, **39620 kc.**, 1 watt power, Emission A-3.

NEW—Echo Park Evangelistic Association, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station on **26400 kc.**, 100 watts power, A-3 emission. Amended to request frequency **25300 kc.**

W7XCY—Oregonian Publishing Co., Portland, Ore.—Construction permit for changes in equipment, increase power to 4.5 watts, and request frequencies **31220**, **35620**, **37020**, **39260 kc.**, in accordance with new rules.

W1XPW—WDRC, Inc., Meriden, Conn.—License to cover construction permit as modified, B1-MPHB-35, for frequency **43.4 mc.**, in lieu of **40.3 mc.**, in accordance with revised rules.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Maize Products Company—See Anheuser-Busch, Inc.

Anheuser-Busch, Inc.—Eight organizations producing finished corn products both for household and industrial use have been served with complaints alleging discriminations in price in violation of Robinson-Patman Act.

Respondents are: (1) Anheuser-Busch, Inc., St. Louis; (2) Piel Brothers Starch Company, Indianapolis; (3) Clinton Company, Clinton, Iowa, and Clinton Sales Company, Chicago; (4) The Hubinger Company, Keokuk, Iowa; (5) Penick & Ford, Ltd., Inc., New York; (6) A. E. Staley Manufacturing Company and The Staley Sales Corporation, Decatur, Ill.; (7) Union Starch & Refining Co. and Union Sales Corporation, Columbus, Ind., and (8) American Maize-Products Company, New York.

The respondents are alleged to discriminate in price between purchasers of commodities of like grade and quality by selling such commodities to some purchasers at a higher price than sold to other purchasers generally competitively engaged with those receiving the more favorable prices.

It is alleged that the effect of the discriminations may be substantially to lessen competition in the sale and distribution of corn products between the respondents and their competitors and between those who buy corn products from the respondents and receive lower discriminatory prices and others who buy from the respondents but do not receive the favorable prices. It is also alleged that the effect of the discriminations may be to create a monopoly in the lines in which the respondents and those in which the buyers are engaged and to injure and prevent competition between the respondents and their competitors and between the buyers who receive the favorable prices and those who do not.

The allegations of these 8 complaints are similar to those made in an amended complaint recently issued against Corn Products Refining Co., New York.

The mills of the Corn Products Refining Company and of the 8 respondent organizations are alleged to have a corn grinding capacity of approximately 382,000 bushels a day.

Principal products derived from corn, as sold by the respondents, are: (1) starch, both for food and other purposes; (2) glucose or corn syrup, and (3) corn sugar. Starch is first manufactured from the corn, and glucose and grape sugar are made by treating the starch with certain acids, the resulting solid product being sugar and the resulting syrup being glucose. Glucose is largely used in manufacturing candy, jellies, jams and preserves and in mixing syrups. (3798-3805, inclusive)

Benson Speciality Company—Pens, jewelry and electric water heaters were misleadingly advertised by Robert H. Benson and Emma Benson, distributors, 251 Plymouth Bldg., Minneapolis, it is alleged in a complaint. The respondents trade as Benson Specialty Company.

Fountain pens allegedly were advertised as being unbreakable and guaranteed for life, and necklaces as being 14-carat gold or silver, set with facsimile diamonds and guaranteed against tarnish or loss of stones, when, according to the complaint, the pens were not unbreakable or guaranteed for life and the jewelry was of cheap grade and quality.

Prices represented by the respondents as customary were in fact fictitiously and greatly in excess of regular prices, according to the complaint, and it is alleged that coupons advertised as having values of $4.41, $3.02 or $2.41 when offered as part payment for articles, actually had no such values or any value, as the prices charged by the respondents in addition to the coupons were the regular and customary prices.

Advertisements implying that the respondents' "Electro Heat Kwick" water heaters have an Underwriters' Laboratories seal of approval and also the approval of the Automotive Test Laboratories of America were misleading, according to the complaint, in that only the cord for attaching the heater has been approved by the Underwriters' Laboratories, and the Automotive Test Laboratories of America has no official standing and lacks the facilities for efficient testing of such a device. Further, the complaint alleges that the respondent's heater has been found unsafe for use by attachment to ordinary household sockets. (3795)

Clinton Company—See Anheuser-Busch, Inc.

Clinton Sales Company—See Anheuser-Busch, Inc.

Cravex Company—Trading as Cravex Company, Sara B. Plant, Burbank, Calif., distributor of an alleged cure for the alcohol habit, has been served with a complaint charging misleading representations.

"Stop Drink Habit," the respondent is alleged to have advertised. "Just put tasteless Cravex in his coffee, tea, liquor or food. * * * He won't know and soon his craving for whiskey, beer or wine should disappear."

The complaint alleges that the respondent's preparation is not a competent and effective treatment for alcoholism. (3794)

Hubinger Company—See Anheuser-Busch, Inc.

Illinois Nut Products Company, 613 West Lake St., Chicago, Ill., manufactures candy and distributes it through wholesalers, jobbers and retailers. It is alleged that dealers are furnished with assortments of malted milk balls together with push cards and that they award prizes to purchasers by the following method: Customers purchase discs or pushes on the card concealed beneath which are football terms such as "Touchdown," "Dropkick," "Field Goal" and "Off Side." Each play costs 1 cent and every play is described as a winner although a person drawing a "Touchdown," for instance, receives 20 pieces of candy as a prize, where an "Off Side" play receives only 1, the number of pieces of candy awarded being determined wholly by chance. (3807)

National Pen Company—Trading as National Pen Company and Phoenix Sales Company, Louis G. Meyers, Birmingham, Ala., has been served with a complaint alleging unfair trade practices in the sale of specialty merchandise including fountain pens and jewelry.

In advertisements the respondent is alleged to misrepresent retail prices by exaggerating the customary prices and indicating so-called marked-down figures which are in fact the customary prices. He also is alleged to offer worthless coupons represented as having certain values when offered as part payments on the purchase prices of articles.

Meyers also is charged with misrepresenting that he conducts special or introductory offers for a limited time only; that he guarantees the pens and jewelry for a lifetime and against tarnishing, and, by use of the word "facsimile" as descriptive of diamonds, that the cheap grade jewelry he sells is equipped with stones having the general appearance, qualities and brilliance of diamonds and having greater quality and value than imitation diamonds. (3796)

Penick & Ford, Ltd., Inc.—See Anheuser-Busch, Inc.

Phoenix Sales Company—See National Pen Company.

Piel Brothers Starch Company—See Anheuser-Busch, Inc.

A. E. Staley Mfg. Company—See Anheuser-Busch, Inc.

Staley Sales Corp.—See Anheuser-Busch, Inc.

Union Sales Corp.—See Anheuser-Busch, Inc.

Union Starch & Refining Company—See Anheuser-Busch, Inc.

United Factories, Inc.—A complaint has been issued against United Factories, Inc., 1302 McGee St., Kansas City, Mo., alleging misleading representations in the sale of a product designated as a reconditioner of automotive engines.

This product, "Micaseal," is described by the respondent as a "paste-like substance" which "when put into the motors through the spark plug openings, spreads and works itself around leaky pistons and rings, has an affinity for metal, and is not affected by heat of the motor."

In advertising its preparation the respondent is alleged to represent, contrary to the facts, that its use will effect substantial economies in operating an automobile through lessening of oil and gas consumption, and that it fills scores and scratches on cylinder walls and forms a cushion seal which increases compression, checks excessive carbon formation, and adds speed, power and smoothness. The respondent also is alleged to advertise, contrary to the facts, that its preparation reconditions a motor at a saving of 95 per cent over the ordinary mechanical methods of reboring cylinders and refitting pistons, and to represent, in effect, that use of its preparation produces the equivalent of a mechanical reconditioning job. (3797)

Wright Products Company—Isaac S. Friedman, trading as Wright Products Company, 4303 North Keeler Ave., Chicago, Ill., who sells and distributes hosiery, clocks, pen and pencil and manicure sets, is alleged to furnish his operators with push cards containing feminine names on discs concealing numbers. Customers allegedly purchase chances through selection of the names and the person who gets a name identical with that concealed and finally revealed under a master seal receives wholly by chance an "Animated Spinning Wheel Clock," while the recipients of a certain number also receive a prize. It is alleged that numbers 1 to 19 cost only the amount the participator draws but that any number over 19 costs 19 cents and four numbers are free. (3806)

STIPULATIONS

The Commission has entered into the following stipulations:

American Premium House—Jack Chertow, trading as American Premium House, 269 Canal St., New York, has made a stipulation to desist from the use of lottery methods in the sale of novelty merchandise to ultimate consumers.

The respondents agree to discontinue supplying or placing in the hands of others, pull cards or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof and to cease the use of a scheme, plan or method of sale or of promoting the sale of merchandise which involves the use of any lottery, gift enterprise or scheme of chance whereby the identity of an article of merchandise to be purchased or the price to be paid therefor are determined by lot or chance. (2474)

American Spectacle Company, Inc., 136 West 52nd St., New York, has entered into a stipulation to discontinue misleading representations in the sale of sun glasses.

The respondent corporation agrees to desist from representing or from placing in the hands of others the means of representing that its sun glasses bar or exclude 94 per cent of harmful glare or any other percentage which exceeds the actual capacity to exclude glare. (2476)

American Seed & Plant Company—Trading as American Seed and Plant Company, A. Otis Arnold, Quincy, Ill., has entered into a stipulation to discontinue misleading representations in the sale of "Golden Seal" and "Ginseng" plant seeds.

The respondent agrees to desist from representing, either directly or by implication, that any one can grow Ginseng or Golden Seal, or that to cultivate these plants is easy or in all instances profitable, and that Golden Seal and Ginseng prices have increased in recent years. (02383)

Master Laboratories, Inc., 2626 West End St., Omaha, Nebr., has signed a stipulation to cease misleading representations in the sale of poultry remedies.

In advertising "Poultone", "Master Capsule" or similar products, the respondent agreed to desist from representing that administration of such remedies to sick poultry will solve all worm problems faced by the poultry raiser or will kill all worms or serve as a treatment and control of worms generally. (2477)

Milshire Garment Company, Inc., 270 West 38th St., New York, has made a stipulation to discontinue misleading representations in the sale of sport coats and suits.

The respondent company agrees to cease representing directly or by implication that a garment is 100 per cent camel's hair when the fiber content is not such and to discontinue indicating directly or by implication or appearance of a product the composition of a garment of mixed fibers without naming all such fibers, with equal conspicuousness, in the order of their predominance by weight and without giving the percentage of each such fiber present to such extent as is necessary to prevent misunderstanding.

Under its stipulation, the respondent company will also forego the use, in connection with its labels or brands, of pictures or depictions of a camel or other animal in a manner tending to deceive purchasers concerning such merchandise, and the use of the legend "100%" or any representation of similar import in connection with its labels or brands as descriptive of merchandise in a manner tending to deceive the purchasing public as to the quality, composition or character thereof. (2473)

Ring-Rout, Inc., 710 Queen & Crescent Bldg., New Orleans, will discontinue advertising that treatment by means of its product, Ring-Rout, will kill the fungi of athlete's foot, in actual cases of infection, without an appreciable length of time between its application to the infected area and the killing of the fungi, and that laboratory tests indicate Ring-Rout is effective in completely destroying the fungi of athlete's foot. The respondent admitted in its stipulation that its preparation will not kill athlete's foot fungi unless brought into direct contact therewith. (02382)

Scholl Manufacturing Co., Inc., 211 West Schiller St., Chicago, agrees to discontinue representing that arthritic or rheumatic-like foot and leg pains, callouses, fatigue, sore heels and tired feet are always signs or symptoms of weak or fallen arches and that "Dr. Scholl's Scientific Arch Supports" will quickly relieve all foot pains and physical disturbances and will assure the wearer of correction of weak or fallen arches without massage or exercise, or that they will alone restore the arch to normal. The respondent also will cease representing that "Dr. Scholl's Scientific Shoes" will eliminate the possibility of fatigue whether caused by improperly fitting shoes or otherwise, or will eliminate the possibility of strain on muscles, nerves and ligaments. (02381)

Clifford W. Wells—Selling information as to "How to Obtain a Job in the American Merchant Marine", Clifford W. Wells, 109 North Front St., Baltimore, has entered into a stipulation.

"Become a seaman. Sail the seven seas", Wells is quoted as advertising in his literature. "You can sail to whatever country you want, simply by waiting for a ship that makes a regular voyage to it. No experience or training is required to fill the jobs that you start in at—advancement is rapid."

The stipulation recites that this type of advertising implies that Wells has particular, exclusive knowledge about available positions in the American Merchant Marine or on sea vessels and is able to inform applicants how to obtain such jobs. He admitted, however, that the information imparted in his "instructions" is general and readily available from sources other than himself. (02385)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Cotton Belt Mattress Company—E. E. Phillips, trading as Cotton Belt Mattress Company, Pinetops, N. C., has been ordered to discontinue misleading representations in the sale of mattresses.

Phillips was found to have falsely advertised the constituent fiber and material of certain of his mattresses by use of the terms "All Layer Felt," "100% Layer Felt—Staple Cotton," "Felt-Plated—Cleaned Cotton Motes," and "Felt-Plated—Washed Cotton," when in fact such products were not all layer felt or otherwise as represented.

Pointing out that the word "felt," when used in connection with mattresses, is recognized in the trade as meaning a product made of fibers of cotton or wool which have been garnetted together into a mat or web, the Commission ordered the respondent to cease and desist from using the term "felt" alone or in connection with other terms to describe mattresses not made in accordance with this definition. (3781)

Monarch Stove Top Company—An order has been issued prohibiting misleading representations in the interstate sale of the "Monarch Stove Top," an appliance for use on open top gas ranges or stoves, by W. K. Honbaum, Hamburg, Mich., trading as Monarch Stove Top Company.

The order directs the respondent to cease and desist from representing that use of his appliance will prevent soiling of windows, walls or curtains by open top gas stoves or ranges; that the appliance is properly ventilated or insures proper combustion and is safe or harmless, and that its use will reduce gas consumption and increase the cooking capacity of a stove or range.

Bureau of Standards tests show and the Commission finds that the respondent's representations are not according to facts; that use of the appliance may be dangerous because of a possibility of producing carbon monoxide gas, and that the device is not a perfect sanitary system for gas ranges and open top gas stoves. (3383)

Publix Printing Corporation, 633 South Plymouth Court, Chicago, manufacturer of sales promotion cards, has been ordered to cease and desist from selling or distributing its cards or any other devices so made that their use by retail dealers may constitute the operation of a gift enterprise or lottery in the sale of products to ultimate consumers.

The Commission also has served Mason, Au & Magenheimer Confectionery Manufacturing Company, 22 Henry St., Brooklyn, with an order prohibiting the use of lottery methods in connection with the sale of candy to ultimate consumers. Findings are that the respondent company distributed to dealers candy assortments packed in a manner involving use of lottery plans. (3742-3477)

Technical Laboratories—Misrepresentation of the healing properties of a preparation for treating nasal catarrh, hay fever and asthma, is prohibited under an order issued against H. F. Allen, trading as Technical Laboratories and as Technical Products Company, 24 Bridge Road, Berkeley, Calif.

The order directs that Allen cease representing that his preparation, designated as "Aratone" and "Sinozone," is a competent and safe remedy, cure or treatment for nasal catarrh, hay fever, asthma or colds; that it is healing, will prevent or cure nasal irritation, and will aid in preventing poisons being carried from the nasal passage into other parts of the body; that its use is harmless and that it has any medicinal or therapeutic value in treating the diseases named other than as a palliative remedy to afford temporary relief. (3435)

Technical Products Company—See Technical Laboratories.

FTC CLOSES CASE

The Federal Trade Commission has closed its case against A. L. Hilkemeyer and R. J. C. Tricou, trading as Louisiana Hatcheries, 822 Poydras St., New Orleans. The respondents had been charged with unfair competition in the interstate sale of baby chicks.

The case, in so far as it referred to Hilkemeyer, was dismissed, it appearing that he is not a partner in the business. The case against Tricou, sole owner of the business, was closed without prejudice to the Commission's right to reopen it, should future facts so warrant.

Tricou agreed to observe and abide by the trade practice rules for the baby chick industry promulgated by the Commission December 31, 1938. The rules were held to regulate the practices with which the respondent had been charged.

NAB Reports

NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 24, June 16, 1939

FCC Orders Hearing on "Censorship" Rule

Expressions from the NAB, Congress, the press and the American Civil Liberties Union led the FCC this week to order a public hearing on its "censorship" rule for international broadcasting stations.

Technically, the Commission acted upon a petition from the American Civil Liberties Union requesting withdrawal or amendment of the rule stating that international stations "shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding and cooperation".

The hearing was set for July 12—the third day of the NAB convention in Atlantic City. The NAB promptly called the Commission's attention to this, feeling that the coincidence must have been an oversight.

Before the Commission ordered the hearing, Senator Wheeler (D-Mont), Chairman of the Interstate Commerce Committee, called the Senate's attention to the rule, saying it was "a form of censorship which the Congress of the United States never contemplated when it passed the law".

"On the contrary, Congress specifically provided that there should be no censorship", Senator Wheeler added.

"I think anybody who is interested in the subject agrees that the radio must be free from censorship. I am told that the broadcasting companies and the National Association of Broadcasters are asking for a hearing upon this particular matter. The rule was adopted without any hearing. I sincerely hope the Commission will grant a hearing to the broadcasting companies, and I sincerely hope that they will modify a rule which would tend to bring about censorship in the United States over national and international broadcasting".

After Senator Wheeler had inserted in the Record Neville Miller's letter asking for a hearing and more than a dozen newspaper editorials condemning the "censorship" rule,

(Continued on page 3540)

Make Your Reservations Now to Attend the Seventeenth Annual NAB Convention

Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FCC ORDERS HEARING ON "CENSORSHIP" RULE

(Continued from page 3539)

Senator Johnson (R-Calif.) arose to say that he was "in hearty accord with the remarks of the Senator from Montana".

"We want no censorship of any sort in this country", Senator Johnson added. "If it is begun in one particular, it is only a step to another particular. So, as the subject is first broached let us take care of and take care of it as it ought to be taken care of."

Representative Celler (D-New York) sent a letter to Chairman Frank R. McNinch of the FCC saying he was "disturbed" by the rule; that he did not think that the Commission "was on firm ground" and that he hoped "earnest reconsideration will be given the regulation in question".

The FCC, after it had ordered the hearing, notified the NAB and said that "an appropriate notice of appearance should be filed" if the NAB desired to be heard.

The texts of the various statements and communications follow:

THE CIVIL LIBERTIES PETITION

Roger N. Baldwin, a director of the American Civil Liberties Union has filed the following with the Federal Communications Commision asking for the withdrawal or amendment of Rule 42.03(a) dealing with international broadcasting.

The petition states:

"Whereas Rule 42.03(a) of the Rules and Regulations of the Federal Communications Commission states:

'A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements of this service.'

"And whereas the above mentioned rule tends to deprive the American public, including the petitioner, of the right of free speech by means of radio communication;

"And whereas the enforcement of the above mentioned rule will tend to constitute censorship of the radio communications of the American public, including the petitioner;

"And whereas the above mentioned rule conflicts with the provisions of Section 326 of the 1934 Communications Act;

"And whereas the petitioner is vitally interested in the preservation of freedom of speech by radio communication in the United States;

"Now, therefore, your petitioner prays that Rule 43.03(a) be reconsidered and withdrawn, or amended to remove the restrictions concerning the type of program material that may be broadcast by international broadcast stations."

THE FCC ORDER

34571

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

In re:
Rule 42.03(a)

ORDER

The Commission having under consideration the Petition for the Withdrawal or Amendment of Rule 42.03(a) filed on behalf of the American Civil Liberties Union;

It Is Ordered, that a hearing be held before a quorum of the Commission at 10:00 A. M. on the 12th day of July, 1939, at the Commission's offices in Washington, D. C., on the question of whether Rule 42.03(a) reading as follows, shall be modified, revised, or amended:

"A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service."

Any persons desiring to participate and be heard shall on or before the 5th day of July, 1939, file a notice of such appearance with the Secretary of the Commission. A copy of this Order shall be released to the Press for general distribution, and a copy mailed to each licensee of a radio broadcast station.

Federal Communications Commission,
(S.) T. J. Slowie,
Secretary.

FCC TO NEVILLE MILLER

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

June 15, 1939.

Mr. Neville Miller
National Association of Broadcasters
Washington, D. C.

My dear Mr. Miller:

This will reply to your letter dated June 3, 1939, addressed to Chairman McNinch, in which you refer to and discuss the rules and regulations promulgated by the Commission on May 23, 1939, pertaining to international broadcast stations.

A Petition in proper and customary form, requesting the withdrawal or amendment of Rule 42.03(a) was filed with the Commission on behalf of the American Civil Liberties Union June 9th. The Commission has ordered that a hearing be held on this matter July 12, 1939, and directed that anyone desiring to participate shall file a notice of appearance on or before July 5th. If your organization desires to be heard on the questions involved an appropriate notice of appearance should be filed.

Very truly yours,
T. J. Slowie,
Secretary.

FROM THE "CONGRESSIONAL RECORD"

Mr. WHEELER. Mr. President, I desire to call attention to and to have inserted in the Record a letter from the National Association of Broadcasters, together with several editorials from various newspapers throughout the country. I wish in particular to call attention to the fact that the Federal Communications Commission on May 23 adopted some new rules and regulations respecting international broadcasting. Among the rules which they adopted was the following:

A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding, and cooperation.

I call the attention of the Senate to the fact that if that rule should stand, it would give the Commission the right to censor the broadcasting of speeches by Members of the United States Senate. In other words, if I or some other Senator desired to make a speech on international questions over an international radio, the rule would give the Commission the right to say that the speech which was about to be made did not reflect the culture of the country, and might possibly stir up bad feelings in some other country. It is a form of censorship which the Congress of the United States never contemplated when it passed the law. On the contrary, Congress specifically provided that there should be no censorship.

I think everybody who is interested in the subject agrees that the radio must be free from censorship. I am told that the broadcasting companies and the National Association of Broadcasters are asking for a hearing upon this particular matter. The rule was adopted without any hearing. I sincerely hope the Commission will grant a hearing to the broadcasting companies, and I sincerely hope they will modify a rule which would tend to bring about censorship in the United States over national and international broadcasting.

I have here a number of clippings from various newspapers throughout the country. They are from Ohio, Indiana, Boston, Omaha, and various other States and cities throughout the United States. I ask unanimous consent that both the letter and the clippings be included in the body of the RECORD as part of my remarks.

Mr. JOHNSON of California. Mr. President——

Mr. WHEELER. I yield to the Senator from California.

Mr. JOHNSON of California. Have any steps been taken to secure a hearing upon this matter?

Mr. WHEELER. There was no hearing at the time the rule was promulgated. I understand that it was adopted without the matter really being given very serious consideration by the Commission.

In fairness to the Commission, I think it should be said that they inadvertently adopted the rule without appreciating what they were doing. The Chairman of the Commission, Mr. McNinch, was not present. He was away, ill; but the rule was taken up and adopted. I understand that some of the broadcasting companies, and perhaps the National Association of Broadcasters, have asked for a hearing. Certainly they should be given a hearing, and the matter should be thrashed out.

If the Commission has sought to impose censorship by radio, whether international radio or national radio, I think the Congress of the United States ought to pass a more stringent law against censorship of any kind or character in radio.

Mr. JOHNSON of California. Mr. President, I rose simply to say that I am in hearty accord with the remarks of the Senator from Montana. I hope the hearing will be accorded the companies that may wish it; or, if they do not ask for a hearing, I hope the committee itself will take the matter in hand and determine just what should be done. We want no censorship of any sort in this country. If it is begun in one particular, it is only a step to another particular. So, as the subject is first broached, let us take care of it, and take care of it as it ought to be taken care of.

Mr. WHEELER. I thank the Senator.

I may say, for instance, that we have the question of neutrality before the Senate. Senators take different views with reference to neutrality. If the Senator from California and the Senator from Nevada [MR. PITTMAN] should take different views with reference to neutrality, as they probably would, it might be said that the Senator from Nevada would be permitted to make a speech over the radio, because there would be in it nothing which would be detrimental to any foreign country; and, on the other hand, the Commission might very easily say that what the Senator from California was going to say should not be sent out over the international radio.

Mr. JOHNSON of California. Quite so; and the word "cultural" has a peculiar meaning according to the State Department. We might say something that was not in accord with the cultural views of somebody in the State Department, and then we would either be required to retract it or we would not be permitted to say it at all. So the subject is of sufficient importance that I am very, very glad the Senator from Montana has raised the question today. Let us continue our consideration of it until we find just what the situation is; and, if it be such as we suspect, let us remedy it.

Mr. WHEELER. I thank the Senator.

REPRESENTATIVE CELLER'S LETTER

The Honorable Frank R. McNinch,
Chairman, Federal Communications Commission,
Washington, D. C.

Dear Mr. McNinch:

This letter is written to you as Chairman of the Federal Communications Commission, in all kindliness and good will.

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I am disturbed with one of the regulations recently promulgated by your Commision, which provides as follows: "A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding, and cooperation." What is "international good will" to one, may be international ill will to another. Furthermore, what is meant by "understanding;" and what is meant by "cooperation?" There is no common definition of these words, and therefore the language used is somewhat vague.

If I were scheduled to speak on one of the four international broadcasting stations, and were suddenly stopped on the score that I was not promoting "international good will, understanding, and cooperation," I would be deeply resentful against the broadcasting company that sought thus to interrupt or scotch my efforts.

Whether or no there is involved in this regulation a degree of censorship, I will not state at this juncture. But if there is censorship, then the regulation would be without force and effect, because the Federal Communications Act of 1934, (section 326), denies the Commission the right to exercise power of censorship over radio communication. That section, likewise, denies the Commission any right to interfere with freedom of speech.

Frankly, I do not think the Commission is on firm ground. I do hope therefore that earnest reconsideration will be given the regulation in question.

Let me also point out another significant fact. The Judiciary Committee, of which I am Acting Chairman, is now considering a bill which provides that no rule or regulation can be promulgated by any department or agency of the Government unless or until public hearings can be held; that any one aggrieved by such rule or order shall have the right to appeal to the Courts; and that such regulation must be supported by substantial evidence in its consideration by the Courts.

This bill puts into a common mold practically all of the agencies of the Government, with but few exceptions. Most of the departments and agencies have voiced protest on the score that their activities are so different from each other that they cannot be placed in a common pattern. However, public opinion as reflected in the Congress is growing impatient with some of the departments and commissions which make rules and regulations that at times go far beyond, as it is alleged, their basic statutes. It is thus charged in many quarters that the agencies are legislating.

You would indeed be giving great comfort to the proponents of this bill,—you would be giving them great ammunition for argument,—if your regulation concerning international broadcasting were not properly founded upon, or could not be deemed justified by the basic Communications Act of 1934. It may be that you have information not known to the public or to the Members of Congress which would clear up the situation. I repeat, in all kindliness, I ask for enlightenment.

Cordially yours,
Emanuel Celler.
Representative,
Tenth New York District.

MILLER URGES CONTINUED TEAMWORK BETWEEN NAB AND RMA

Speaking at the annual membership luncheon of the Radio Manufacturers Association at the Hotel Stevens, Chicago, Neville Miller, NAB President, last Tuesday declared that "anything which affects one branch of radio directly or indirectly affects the other. If the broadcaster did not continue to provide the finest radio service in the world, the radio dealer would find very little market for new sets and parts. On the other hand, if the manufacturers attempted to foist inferior receivers on the public, if parts and tubes did not give the fine reception to which the American listener is accustomed, we broadcasters would find little audience for our programs, no matter how fine they were. There is a vital need of continued teamwork, therefore, between NAB and RMA."

Mr. Miller stated that with television on the horizon and with facsimile broadcasting already here, the broadcasting industry was going through a "period of technological transition" and there was greater need than ever before for mutual understanding and cooperation.

He further pointed out that the present size of the radio industry has been made possible through the private and competitive system of American broadcasting. He declared that wholehearted cooperation of the broadcasting industry in the NAB-RMA campaign was manifested in Open House Week of April 17, when the goodwill promotional drive was inaugurated. He prophesied that forthcoming plans for fall and winter promotion would meet with the widespread approval and support of both branches of radio.

Ed Kirby, Director of Public Relations, who accompanied Mr. Miller to the RMA meeting, announced that through Joe Marty, executive secretary, the active participation of the Radio Servicemen of America has been obtained and that from now on "shoulder to shoulder" cooperation of servicemen is available to every NAB member station.

Already several members, he reported, have worked out plans wherein servicemen, calling on hundreds of homes a week to service sets, also undertake surveys on program preferences and listener reactions. Radio Servicemen's Association estimates that its members call on 350,000 homes a week and are in personal contact with listeners the year round, so that much valuable information may be uncovered for the benefit of the industry through this RSA cooperation.

LARGER NUMBER EXPECTED TO ATTEND AFA-NAB MEETING

A crowd larger than first anticipated is now expected at the NAB radio panel of the Advertising Federation of America Convention next Tuesday at the Waldorf-Astoria in New York, Craig Lawrence, KRNT, Chairman of the Sales Managers' group announced today.

Invitations have been issued to principal advertising men and women in Chicago, Detroit, New York, and to all NAB members to attend the morning and the luncheon meeting where Mayor Fiorello LaGuardia will address the group on the subject "Radio By the American Plan".

In the morning session, the proposed NAB Code will be discussed by President Miller. Frank Mason, vice president in charge of international radio for NBC will discuss the problems of international broadcasting and new problems brought on by the recent action of the FCC in permitting commercial advertising on international short-wave stations. Curtis Mitchell, editor of *Radio Guide* will review some observations he has made on shortcomings in publicity promotion of commercial programs.

The afternoon session will be given over to a meeting of the NAB Sales Managers for a round-table discussion, "How To Sell More Radio". Headquarters will be represented by President Miller, who will introduce Mayor LaGuardia at the luncheon; Paul Peter, Director of Research; and Ed Kirby, Director of Public Relations. The latter two will discuss the organization and projected work of the new Bureau of Radio Advertising.

FREE OFFERS

A flood of contingent advertising propositions has streamed into broadcasting stations during the last few weeks.

The number of these sent to Headquarters indicated, however, that few, if any, stations were interested.

The NAB has notified every firm suggesting a cost-per-inquiry or commission deal that it undertake a regular radio advertising campaign. Stations, networks and agencies might well follow up with literature, rate cards, and so forth. These firms appreciate the value of radio advertising or they would not be trying to use it on any basis.

Among the firms which have approached stations for contingent deals recently were the Philatelic Banking Service, the "Southern Sportsman", the International Associates' Press, the Radio Advertisers Company, the Radio Traveling Corporation, the Imperial Chemical Company and Farjoe and Company.

The American Spice Trade Association is still trying to chisel free time.

The National Highway-U. S. 40 Association is asking for free time to promote the use of that road.

The Waldorf-Astoria Hotel, New York, sent out a "news release" about how cheap it was to dine and dance there.

The National Hotel Association bluntly refused to try to help obtain local sponsorship for the National Hotel Week announcements they sent out.

Any member considering the use of programs offered by the American Civil Liberties Union or the National Association of Manufacturers should write to Headquarters for information about these.

CRAVEN ADDRESSES RMA ON TELEVISION PROBLEMS

Declaring that "it is surprising that the Radio Manufacturers Association should request the Commission to approve standards at such an early stage of development in television," Commissioner T. A. M. Craven of the FCC, told manufacturers at the RMA convention that he personally has "always felt that in this country private enterprise should be given the utmost freedom consistent with the interest of the public as a whole."

"It appears that the spectre of television, remote as it may be, has already begun to affect the economic stabilization of not only the existing radio manufacturing industry but also the existing industry involved in the broadcasting of regular voice and music programs to the public," he said.

"There is no need for an adverse effect. If the effect is adverse it must be the result of a lack of logical thinking and coordinated planning. Jobbers and others who sell broadcast receivers to the public should know that while television is here in the early stages of practical technical development, it is not here and cannot be here for several years from the standpoint of stabilized operation of a real service on a nation-wide scale.

"Thus, television is still in the experimental phase of development and while it is necessary for the public to participate in this phase to a limited degree, it would be foolhardy for the industry to lead the public into the belief that television is here as a practical reality as a stable service to the public on a national or even on a regional scale. The very fact that television has developed so rapidly in the past very few years should indicate that with the same intensive research in the future as in the past the public can expect greater improvements both in quality, simplicity, and cost. However, credit should be given for the wonderful strides in technical development achieved by the industry to date. The fact that you have already developed the technical phases of television to such an extent is a marvelous achievement. For this, the industry deserves the meritorious acclaim of every thinking person.

"The further development of television requires not only courage on the part of this industry but also the will to proceed. It is necessary for this industry to foster the development of television. Unless they do this they will be in no position to cry for protection when someone else undertakes the job. The public, having tasted the fruits of the inventions of modern genius, organized and financed by your industry, will not be denied the promise of the service which transmits over a distance not only the voice but also vision, in the form of culture, news, and entertainment."

MUSICIANS CONVENTION

No mention of terms for new contracts between the A. F. and M. and broadcasting stations was made during the first four days of the six-day union convention in Kansas City this week. A full report on the convention will be sent to all members after its close.

SENATE PASSES BARBOUR BILL

The Senate approved and sent to the House the Barbour Bill to permit transportation in interstate commerce of prize fight movies. The NAB endorsed the bill since it would permit television transmission of the fights.

MONITOR STATION BILL

Senator Wheeler (D-Mont), Chairman of the Senate Interstate Commerce Committee, introduced the following bill this week at the FCC's request:

> That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio monitoring station, or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of geniometric apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings and equipment of not to exceed Thirty Thousand Dollars ($30,000).

MONITORS ORDERED

The FCC has sent to all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations the following announcement dealing with the requirement of frequency monitors:

> The attention of all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations is specifically called to the provisions of Section 40.02 of the rules and regulations governing broadcast stations listed above. This section requires that each such station shall have installed at the transmitter a frequency monitor having accuracy of one-half the allowed tolerance of the station. This section becomes *effective September 15, 1939,* and all stations must have a monitor by that time.
>
> The attention of the licensee is also called to the fact that all of these stations except relay stations must install the monitor at the transmitter. An external standard or remotely located measuring equipment, though it may be common to several stations, *does not* meet the requirements of a frequency monitor. Relay stations must be checked by means of a monitor of the required accuracy at the beginning of operation and as frequently thereafter as necessary to maintain the operating frequency within the required tolerance.
>
> Two frequency monitors, which will meet the requirements of Section 40.02 (old Rule 981) have been inspected by the Commission. The Commission has been advised that these frequency monitors or frequency measuring devices may be supplied by the manufacturers in sufficient quantities to meet the demand.
>
> Section 40.02 was originally effective September 15, 1936, but this date has been extended from time to time due to the lack of commercially available equipment which will fulfill the requirements of this rule. The monitors required by this rule *are not approved by the Commission,* but shall have an accuracy of one-half of the allowed tolerance of the class of station with which

used. It is the responsibility of the licensee to see that the monitor will meet the frequency accuracy and operate in accordance with good engineering practice.

RADIO MEASUREMENTS

During the month of May, broadcast measurements were made by the Federal Communications Commission of 722 stations with 43 not measured.

The measurements showed that 646 stations had a maximum deviation within 0-10 cycles; 64 stations with a deviation of 11-25 cycles; 9 stations with a deviation of 26-50 cycles; and 3 stations with a maximum deviation of over 50 cycles.

LICENSE APPLICATIONS HELD UP

The Federal Communications Commission has announced that final action on nine applications pending before the Commission was being withheld because the facilities requested conflict with or involve the North American Regional Broadcasting Agreement. This Agreement, which was drawn up at the Havana Conference in December, 1937, allocates frequencies for standard broadcast stations on the North American Continent. The Agreement has already been ratified by the Governments of the United States, Canada, and Cuba and awaits only ratification by the Government of Mexico to become effective.

The nine applications on which action is being withheld are as follows:

Evening News Press, Port Angeles, Wash.
KVL, Inc. (KEEN), Seattle, Wash.
Michael J. Mingo, Tacoma, Wash.
Tacoma Broadcasters, Inc., Tacoma, Wash.
Radio Service Corp. (KSEI), Pocatello, Idaho.
St. Lawrence Broadcast Co., Ogdensburg, N. Y.
Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.
South Bend Tribune (WSBT), South Bend, Ind.
King-Trendle Broadcasting Corp., Grand Rapids, Mich.

EXPERIMENTAL RULE CHANGED

The FCC has announced that Section 51.22 of the Rules and Regulations Governing Experimental Services, was amended by deleting the word "April" and inserting in lieu thereof the word "October."

FCC REPORT

The FCC's report to Congress on its investigation of the A. T. and T. included the following suggestion affecting broadcasting:

> *Fourth,* amend Section 202(b) so as to make it clear by specific language rather than by implication that practices, classifications, regulations and facilities, as well as services and charges, in connection with the use of wires in chain broadcasting shall be subject to regulation by this Commission and so that this section of the Act will correspond to the preceding half of the section, 202(a).

Legal

FLORIDA'S NEW MONOPOLY LAW

Florida's new copyright monopoly law (NAB REPORTS, June 2, p. 3514), seeking to curb the activities of pools controlling the public performance of copyrighted music, became the law of the State Tuesday, June 12. The complete text of the law follows:

AN ACT relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining the same; regulating licensing of same; prescribed filing fees; making provisions for a resident agent in the state; levying a tax on the gross receipts from the licensing of such rights within the State of Florida; providing for the enforcement of this Act; the promulgation of rules and regulations, governing the enforcement of this Act; appropriating the proceeds of the tax and fees levied herein and repealing certain laws in conflict herewith.

Be it Enacted by the Legislature of the State of Florida:

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Comptroller on forms prescribed by the Comptroller a list describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. A filing fee of two cents a composition shall be required by the Comptroller for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Comptroller to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringements of said works. The Comptroller may, if in his discretion he deems it necessary, in order to prevent such overreaching and to protect the citizens of this state from committing innocent violations of the copyright laws of the United States, cause a list of all such copyrighted material filed with him to be published once a year or oftener in a form and medium which he shall deem suitable for said purpose. A duplicate of any list so filed by any such person shall at his request be certified by the

Comptroller and shall by the Comptroller be given or delivered to such person, who shall exhibit the same on demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4-A. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Comptroller, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications. Any copyright owner may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Comptroller, at any time, at the election of such owner changes in prices to become effective seven days from the date of filing thereof. The schedule of prices provided for herein shall be made available by the Comptroller to all persons for examination and the taking of copies, and may be published by him in the same manner as provided in Section 3 hereof.

Section 4-B. Any person issuing a blanket license for performance rights shall file with the Comptroller within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to such performing rights. The Comptroller shall charge for filing such contracts the same fee allowed clerks of the circuit court for similar services.

Section 4-C. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition, to make any charge or to contract for or collect any compensation as a condition of using said performing rights based in whole or in part on any program not containing any such composition, and any such charge or contract for compensation shall be valid and enforceable only to the extent that it is based and computed upon a program in which such composition is rendered.

Section 4-D. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of in this state public performing rights in or to any musical composition or dramatico-musical composition to make any charge or to contract for or collect any compensation for the use or performance of any such composition that has not been listed with the Comptroller as provided in Section 2.

Section 5. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall execute and deliver to the Secretary of State on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on authorization last filed by him. A filing fee of $5.00 shall accompany this notice and the Secretary of State shall deposit same in the General Revenue Fund of the State of Florida.

Section 6. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Comptroller as such, of each or all of the lists, license agreements, affidavits and other documents filed with the Comptroller pursuant to the requirements of this Act, shall be furnished by the Comptroller to any person upon request at the prices regularly charged by a clerk of the circuit court for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 7. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three per cent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this State, payable to the State Comptroller on or before the fifteenth day of March, 1940 with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. A return on a form prescribed by the Comptroller shall be made by all persons subect to this tax on or before the 15th day of March every year which shall accompany a remittance of the tax due.

The Comptroller shall have authority through his authorized agents to examine and audit the books and records of any person he may deem subject to the tax or fees under this Act and may require such persons to appear before him at his office in the Capitol in the City of Tallahassee, Florida with such records and papers as may be necessary after giving thirty days notice to such person through said person's authorized agent, the Secretary of State.

The Comptroller shall also have authority through his authorized agents to examine and audit the books, records and accounts of any licensee or user making payments for use of public performing rights in the State of Florida to any person in order that the Comptroller may determine or check on gross receipts of those selling or licensing public performing rights in the State of Florida. Any person refusing the Comptroller or his duly authorized agents access to such books, records and accounts shall be subject to penalties prescribed in Section 9 hereof and may be required to appear in person with all books, papers and accounts required by the Comptroller at the Comptroller's office in the Capitol. Tallahassee, Florida within ten days after receipt of notice which the Comptroller shall send by "registered mail, return receipt requested".

Should the Comptroller determine that any person liable for any tax or fees under this Act has made an incorrect return or has made no return at all, or has failed to pay any tax or fees due, the Comptroller shall after determining the amount of such tax or fees due the State of Florida, from the best information at his command, certify such claim for delinquent taxes to said person through his duly designated agent, the Secretary of State, and unless payment of such delinquent tax is received within thirty days of delivery of said notice to the Secretary of State the Comptroller shall apply to a Circuit Judge in Leon County for the appointment of a receiver to take over and administer all assets of said delinquent tax payer in the State of Florida.

The Circuit Judge upon the Comptroller's application properly authenticated, shall appoint some agent of the Comptroller as receiver, to serve without further compensation, but who shall be allowed all actual expenses. After posting such bond as the judge may determine proper, the said receiver shall take over and administer the affairs of said delinquent taxpayer within the State of Florida, collect accounts and do all things necessary to protect the interests of both the State of Florida and the said delinquent taxpayer and from such collections as he may make, he shall first pay the expenses of the receivership and any litigation incident thereto and the tax plus interest at the rate of 2% per month or fraction thereof from the last day of the year for which the tax was due.

After having satisfied the claims of the State and paid all costs of the receivership the receiver shall make a return to the court who shall order all assets returned to the taxpayer.

Section 8. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 9. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this state.

Section 10. Any person or persons who negotiates or collects or attempts to collect license fees or other exactions or acts in any capacity whatsoever as a representative or agent for any person owning public performing rights of any copyrighted composition shall be subject to all the penalties in this Act provided for violations thereof.

Section 11. Any person in this State aggrieved by reason of any violation of this Act may sue thereof in the circuit court in which he resides or in the circuit in which the violation took place to recover any damages as the result of the violation of the terms of this Act or to require specific performance under the provisions of this Act and shall be entitled to recover his costs including reasonable attorneys fees to be fixed by the court.

Section 12. The several Circuit Courts of this State shall have jurisdiction to prevent and restrain violations of this Act, and, on the complaint of any party aggrieved because of the violation of any of the terms of this Act anywhere within this State, it shall be the duty of the State's attorney in their respective circuits, under the direction of the Attorney-General, to institute proceedings, civil or criminal or both under the terms hereof, to enforce any of the rights herein conferred, and to impose any of the penalties herein provided. In civil actions such proceeding may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of have been duly notified of such petition, the Court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the Court may at any time make such temporary restraining order as shall be deemed equitable.

Section 13. In the event of the failure of the State's Attorney and Attorney-General to act promptly, as herein provided, when requested so to do by any aggrieved party, then such party may institute a civil proceeding in his own behalf, or upon behalf of Plaintiff and others similarly situated, as the State's Attorney and the Attorney-General could have instituted under the terms of this Act.

Section 14. After the costs and expenses of enforcing this Act and the collection of the taxes and fees herein levied and imposed are deducted the amount of which costs and expenses are hereby appropriated to be paid from the proceeds of this Act, there is hereby appropriated the entire balance paid into the Comptroller under and by virtue of this Act to the General Revenue Fund of the State of Florida.

Section 15. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Provided, however, nothing in this Act shall be construed to repeal, supersede or modify any of the statutes of the State of Florida pertaining to monopoly or restraint of trade, including but not limiting the generalities of the foregoing Sections 1, 2-C, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 14 of Chapter 17807, Laws of Florida 1937. Provided further, the revenue provisions of this Act shall take effect immediately it becomes a law and persons having contracts to sell public performing rights to users in the State of Florida shall file copies of such contracts with the Comptroller within thirty days of the date this Act becomes a law and shall within ninety days of the time this Act becomes a law comply with other provisions of this Act that require filing of any data.

Section 16. If any section in this Act, or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions hereof.

Section 17. This Act shall take effect immediately upon its becoming a law. Law without Approval, June 12, 1939.

STATE LEGISLATION

MASSACHUSETTS:

H. 2259 (Burgess) TANGIBLES—EXEMPTION—Relative to exemption from the payment of local taxes on tangible personal property. Referred to Committee on Taxation.

H. 2402 (Reported on H. 901) RADIO—SLANDER—Relative to slander by radio.

TEXAS:

HCR. 175 (Bradbury) INVESTIGATE LOBBYING—To provide for a general investigation of lobbying activities with particular emphasis on activities connected with SJR. 12.

FEDERAL COMMUNICATIONS COMMISSION

FINDINGS OF FACT

The Federal Communications Commission has announced a Proposed Findings of Fact in which it is proposed to grant the application of WTHT, **Hartford, Conn.,** to permit a power increase from 100 watts day to 250 watts day, to install new equipment, to make antenna changes, and to change transmitter site locally.

The Commission stated in its Proposed Findings that a public need has been shown for the additional service in the Hartford area proposed by the station, and that the operation of the station as proposed will not cause objectionable interference to the operation of any existing station or to any station proposed in any application pending at the time of the hearing of this case.

The Commission in a Proposed Findings of Fact proposed to grant the application of the Saginaw Broadcasting Company, **Saginaw, Michigan,** and Gross and Shields, Saginaw, Michigan, both asking for new stations in that city to operate on **1200 kilocycles,** with 100 watts night, 250 watts LS, specified hours, and **950 kilocycles,** 500 watts power, daytime only, respectively.

The Commission stated that there is a public need in Saginaw for the service and that both of the applications will receive cooperation of local organizations in the city. The Commission stated also that advertising support is available for both of the proposed stations, and the granting of the application in each case is in the public interest.

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Hugh J. Powell and Stanley Platz for consent to the voluntary assignment of license of KGGF, **Coffeyville, Kansas,** to Hugh J. Powell. The station operates on **1010 kilocycles,** 1000 watts, sharing time with WNAD.

The application of the Eastern States Broadcasting Corporation, licensee of WSNJ, **Bridgeton, New Jersey,** for a construction permit to increase the station's hours of operation from daytime only to unlimited time with 250 watts daytime and 100 watts night, operating on **1210 kilocycles** has been granted by the Commission.

The Commission has granted the application of the M. & M. Broadcasting Company for a construction permit for the erection of a new station at **Marinetta, Wisconsin,** to operate on **570 kilocycles** with 250 watts power, daytime only.

The Commission has granted the application of broadcasting station KTRB at **Modesto, California,** for license renewal. The station operates on **740 kilocycles,** 250 watts, daytime only.

The Commission has denied the application of the Pillar of Fire for a construction permit to erect a new international broadcasting station at **Zarephath, New Jersey,** to operate on **6080, 11830,** and **17780 kilocycles,** 5000 watts power, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 19. They are subject to change.

Monday, June 19

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, shares WBNO.

Tuesday, June 20

Further Hearing

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

Wednesday, June 21

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license, **1120 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **920 kc.,** 1 KW, daytime.

Friday, June 23

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.,** 1 KW, 5 KW LS, unlimited time (DA day and night). Present assignment: **880 kc.,** 500 watts, 1 KW LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 31

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.,** 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.,** 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.,** 50 KW, unlimited time.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.,** 250 watts LS, limited time.

September 8

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., **1200 kc.,** 100 watts, daytime.

September 15

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **31600, 35600, 38600** and **41000 kc.,** 100 watts, 100 watts LS, Emission A-3, unlimited according to Rule 983 (a).

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license, **42180 kc.,** 100 watts, 100 watts LS, Emission A-3, unlimited according to Rule 983 (a).

November 1

NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—C. P., **580 kc.,** 250 watts, unlimited time (DA night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—The Louisville Times Company, near Eastwood, Ky.—Granted C. P. for new facsimile broadcast station on an experimental basis, frequency **25250 kc.,** 500 watts.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted extension of special experimental authority to operate synchronously with station WLLH at Lowell, Mass., on **1370 kc.,** with variable power of 10 to 100 watts, for the period ending January 1, 1940.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted modification of license to increase day power from 2½ to 5 KW.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted modification of C. P. to make changes in authorized equipment and changes in DA system and to extend commencement date to 30 days after grant and completion date to 180 days thereafter.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW. Application designated for hearing to determine the question of possible interference and because pending applications involve increase in service.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KCMO, Kansas City, Mo.; KFIZ, Fond du Lac, Wis.; KGFL, Roswell, N. Mex.; KFRO, Longview, Tex.; KIUN, Pecos, Tex.; KOTN, Pine Bluff, Ark.; KRNR, Roseburg, Ore.; KTEM, Temple, Tex.; KTSW, Emporia, Kans.; KVOE, Santa Ana, Calif.; KVWC, Vernon, Tex.; KXL, Portland, Ore.; WAPO, Chattanooga, Tenn.; WATL, Atlanta, Ga.; WCBM, Baltimore; WCHV, Charlottesville, Va.; WDNC, Durham, N. C.; WFOR, Hattiesburg, Miss.; WGL, Fort Wayne, Ind.; WHBQ, Memphis, Tenn.; WHFC, Cicero, Ill.; WHLS, Port Huron, Mich.; WILM, Wilmington, Del.; WKBB, E. Dubuque, Ill.; WKBV, Richmond, Ind.; WLAP, Lexington, Ky.; WLEU, Erie, Pa.; WMSD, Muscle Shoals City, Ala.; WOC, Davenport, Iowa; WPAD, Paducah, Ky.; WRAK, Williamsport, Pa.; WSAU, Wausau, Wis.; WRDW, Augusta, Ga.; WSTP, Salisbury, N. C.; WSYB, Rutland, Vt.; WABY, Albany, N. Y.; WAZL, Hazleton, Pa.; WDAN, Danville, Ill.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; WIBM, Jackson, Mich.

MISCELLANEOUS

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 8 to 10 p. m., EST, on July 3, and from 9 to 11 a. m. and 1 to 3 p. m., EST, on July 3 and 4 (provided WOSU remains silent), in order to broadcast holiday programs.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of station WENR, at Downers Grove, for the period June 14 to July 13, until new antenna can be put up at WBBM's location.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce its broadcasting schedule to 1 hour daily for the period June 12 to August 12, in order to observe summer vacation.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays: June 12, 19, 26 and July 3, in order to broadcast special programs from Louisiana State University and special addresses by the President and members of the faculty of that University.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on the following dates: July 1 to September 10, inclusive, summer vacation; October 12, Columbus Day; October 27 and 28, State Teachers Convention; November 7, Election Day; November 11, Armistice Day; November 30, December 1 and 2 (noon) to December 31, inclusive, Christmas vacation. To operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EDST, instead of EST, from September 10 to September 23 (provided WBNY remains silent).

W8XUJ-W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to use facsimile broadcast experimental station W8XUJ and high frequency station W9XNU at Carew Tower, for the period June 9 to July 8, in order to complete radiation tests to determine whether or not shielding is needed in television rooms and also to make survey of station W8XNU to determine coverage of this frequency from Carew Tower location.

W6XUD—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate an additional portable ultra high frequency Pack transmitter, with construction and technical features similar to the equipment licensed under call letters W6XUC, 1 watt, using frequencies **132260, 134080, 135480, 135760 kc.,** for the period June 15 to 30.

NEW—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station upon an experimental basis only, conditionally, frequencies **30820, 33740, 35820** and **37980 kc.,** conditionally, 25 watts.

NEW—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.,** 50 watts.

WDAJ—Tampa Times Co., Tampa, Fla., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.,** 40 watts.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of C. P. to install new equipment.

W9XXL—The Ashland Broadcasting Co., Inc., Ashland, Ky., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies **30820, 33740, 35820** and **37980 kc.,** on an experimental basis conditionally, 10 watts.

NEW—Larus & Bros. Co., Inc., Richmond, Va., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.,** 25 watts.

KVWC—The Northwestern Broadcasting Co., Vernon, Tex.—Granted license to cover C. P. authorizing changes in composite equipment and increase in day power from 100 to 250 watts.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted license to cover C. P. authorizing changes in transmitter site and installation of vertical radiator.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and approval of vertical antenna.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted modification of C. P. to extend completion date from July 1 to August 1.

WDSM—WDSM, Inc., Superior, Wis.—Granted modification of C. P. approving transmitter site and changes in authorized equipment and extension of commencement date to 10 days after grant and completion date to 90 days thereafter.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAL, W10XAK, W10XAM, W10SAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XCG, W10XN, W10XV and W10XY, on the frequencies **31.22** and **37.02 mc.** in lieu of present assignments **31.1** and **37.6 mc.,** for the period June 19 to July 18, 1939, pending adjustment of relay broadcast frequency assignments above **30 mc.,** as contemplated by General Order No. 19.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 5 p. m., CST, on June 11, 1939, in order to broadcast Commencement Services of Purdue University, and from 7:15 p. m. to 10 p. m., CST, on June 17, 1939, in order to broadcast Purdue University Music Festival.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period beginning June 20 and ending in no event later than July 19, 1939.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 2 p. m. to 6 p. m., AST, on June 11, 18, and 25, 1939, in order to broadcast baseball games.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on June 13, in order to broadcast talk by Dr. L. M. Birkhead.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 9:30 p. m., MST, on July 2 and 9, in order to broadcast evening church services. Also to broadcast same hours June 11, 18, 25, in order to broadcast evening church services.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 10:15 p. m. to midnight, EST, on June 9, in order to broadcast opening of WINS studio in the Worlds Fair.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency **38.65 mc.** pending action on application for modification of license, for the period June 18 to July 17.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted petition for order to take depositions in re application for modification of license to change hours of operation from daytime to unlimited, using **1210 kc.,** 100 watts night, 100 watts LS.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted petition for order to take depositions in re application for C. P. to install new equipment and increase power.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m. and 4 p. m. to LS (June 7:45 p. m., EST, June 10), in order to broadcast alumni parade and varsity baseball game; to operate from 10:30 a. m. to 12 noon in order to broadcast Commencement Exercises of Theological School, and from 2:30 to 4 p. m., on June 11, Baccalaureate Service of the College of Letters and Science; to operate from 9:30 a. m. to 12:30 p. m. and 1:30 to 3 p. m., June 12, in order to broadcast Graduating Exercises of College of Letters and Science, and Senior Luncheon.

WAID—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application for low frequency relay station, with

20 watts power on **2830 kc.**, on June 9, from 2 to 7 p. m., EST, in order to broadcast Syracuse University crew races.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted supplemental petition for order to take depositions in re application for C. P. to change frequency, power, and time of operation.

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Granted permission to withdraw motion for order to take depositions in re application for C. P. to install new transmitter and antenna, change frequency and power.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted petition to intervene in the hearing on the application of KUTA for C. P. to install new transmitter, etc.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to dismiss without prejudice application for modification of license to increase power.

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted petition for leave to file appearance in re application for C. P. for a new station to operate on **1200 kc.**, 100 watts, daytime.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to 12 midnight, EST, for a period not to exceed 30 days, in order to broadcast programs as described.

WPG—City of Atlantic City, N. J.—Denied extension of special temporary authority to operate from 3:15 to 4:30 p. m. Sundays, June 11, 18, 25 and July 2, in order to broadcast major league baseball games; to operate from 2 to 3 p. m., EST, on June 16, 23, 30 and July 7, in order to broadcast programs of the New Jersey League of Municipalities studio recital, featuring Alice Woodlyn and CBS features.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted license to cover C. P. authorizing changes in equipment.

NEW—Donald C. Treloar, Kalispell, Mont., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies **30820, 33740, 35840, 35820** and **37980 kc.**, experimentally, conditionally, 10 watts.

W9XSN—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted C. P. for changes in equipment and for frequencies **30820, 33740, 35820** and **37980 kc.**, on an experimental basis, conditionally, 2 watts.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted license to cover C. P. authorizing local move of transmitter site and installation of vertical radiator.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on July 2, 9, 16 and 23, in order to broadcast special educational programs (provided KGGF remains silent).

KGGF—Powell & Platz, Coffeyville, Kans.—To remain silent from 8 to 9 p. m., CST, on July 2, 9, 16 and 23, in order to permit WNAD to broadcast special educational programs.

WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to rebroadcast demonstration of two-way communication to be conducted in accordance with Sec. 112.06 to be received from station WPDS, licensed to City of St. Paul, operating on frequency **33940 mc.**, from 9:25 to 9:30 a. m., CST, June 13.

W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate relay broadcast experimental station W1XOK on frequencies **133030, 134850, 136810, 138630 kc.**, 250 watts, in accordance with Sec. 40.04, in order to carry out program of experimentation outlined in the application for C. P. granted January 24, 1939, for a period not to exceed 30 days.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted petition to reconsider and grant application for renewal of license of station KUSD, which was designated for hearing on February 27, 1939, to determine primarily whether applicant had complied with the provisions of Rule 340.01, which requires the licensees of all broadcast stations to supply certain information with respect to stock ownership. Applicants have now furnished the information required by said Rule.

WLAP—American Broadcasting Co. of Kentucky, Lexington, Ky. —Granted petition in so far as it requests further hearing, set aside the Statement of Facts, Grounds for Decision and Order of the Commission of December 23, 1938, and remanded for further hearing the application of WLAP for C. P. to install new transmitter and use DA at night; change frequency from **1420 kc.** to **1270 kc.**, and operate with 1 KW, unlimited time, and upon the following issues: (1) to determine whether or not applicant's present facilities provide adequate service to the community, and (2) whether the use of frequency **1270 kc.**, with 1 KW, unlimited time, with DA at night, will provide adequate service for the area proposed to be served and would be consistent with sound principles of allocation.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted special temporary authority to operate daytime with power of 1 KW, using new directive antenna, for a period not to exceed 10 days, in order to make proof of performance measurements of directive antenna as authorized by permit granted November 28.

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to rebroadcast over station KVI the conversation between two planes of the 116th Observation Squadron, 41st Division Aviation, Washington National Guard, June 14, in connection with altitude flight.

W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XPW, authorized by modification of C. P., on the frequency **42.4 mc.**, with power output of 1 KW, for the period June 23 to July 22, pending action on application.

W2XMN—Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency **42.8 mc.**, with power of 40 KW, for the period July 14 to August 12, pending definite arrangements to be made in ultra high frequency bands.

KFRU—KFRU, Inc., Columbia, Mo.—Dismissed KFRU's petition for rehearing filed as respondent in re applications of KVOD and KFEL, Denver, Colo. (Dockets 4527 and 4578).

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate crystal controlled test transmitter, maximum power 100 watts, on frequency **720 kc.**, in the vicinity of Raleigh, for 1 hour after local sunrise until 1 hour before local sunset, for the period June 15 to July 14, in order to determine suitability of proposed transmitter site.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW at night, using DA, for the period June 14 to July 13, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system is corrected by installing new tuning condensers.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW at night, using directional antenna, for the period June 14 to July 15, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time on June 14, in order to broadcast the "Top O' Texas Fiesta", sponsored by the Chamber of Commerce.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 8 to 9:30 p. m., EST, on June 19, 20 and 21, in order to broadcast third Conference on Canadian American Affairs.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted special temporary authority to broadcast the regular programs of station KRLD over the new 50-KW transmitter, using DA during daytime, then reverting to the old 10-KW transmitter one hour before sunset in accordance with permit, for a period not to exceed 30 days, in order to make proof of performance tests.

W3XO—Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authorization to operate high frequency broadcast station W3XO on a frequency of **43.32 mc.**, with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services with respect to Commission Order No. 19, for the period June 29 to July 28.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to broadcast one-second time signals over international broadcast experimental station W1XAL, on **6040 kc.**, from 10 to 11 a. m. and from 1 to 2:30 p. m., EST, on June 15, in cooperation with Department of Geology, M. I. T. seismographic work.

WAUJ—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate a portable-mobile relay broadcast transmitter, with power of 10 watts, on frequencies **30820, 33740, 35820** and **37980 kc.**, for a period not to exceed 30 days, to relay program material to broadcast station WHAS for broadcast.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency **43000 kc.**, with power not to exceed 2 KW, for the period June 19 to July 18, in order to make necessary adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

APPLICATIONS FILED AT FCC

650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Modification of special experimental authority to increase power to 5 KW (**710 kc.**, unlimited time), install new transmitter and antenna, move transmitter to site to be determined, Seattle, Wash., for period ending 8-1-39.

770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit to make changes in transmitting equipment.

830 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Construction permit to make changes in equipment; increase power from 5 KW to 10 KW to sunset at Denver, 5 KW thereafter; install directional antenna for use after sunset at Denver, Colo.; change hours of operation from limited to unlimited time; move studio and transmitter from Gainesville, Fla. (4.4 miles), to University Campus, Gainesville, Fla.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts night, 500 watts day, to 500 watts day and night.

1230 Kilocycles

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Voluntary assignment of license from Indianapolis Power & Light Co. to WFBM, Inc.

1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corporation, Fredericksburg, Va.—Modification of construction permit (B2-P-2105) for a new station requesting changes in equipment, install new antenna, and approval of transmitter site at Leonard Road and 2nd St., near Fredericksburg, Va., and studio site at 528 Wolfe St., Fredericksburg, Va.

1310 Kilocycles

WCLS—WCLS, Inc., Joliet, Ill.—Construction permit to make changes in transmitting equipment, changes in antenna, move of studio and transmitter from 222 N. Chicago St., Joliet, Ill., to Elgin at Walnut, Joliet Twp., Ill.

NEW—Harold Thomas, Bridgeport, Conn.—Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts night, 250 watts day, and unlimited hours.

1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Modification of construction permit B-P-1941 for change in frequency, hours and power, equipment changes, and move of transmitter to site to be determined, further requesting changes in transmitting equipment, approval of antenna, and approval of studio site at McKinley Cor. del Rio, Mayaguez, P. R., and transmitter site at Mayaguez, P. R.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—License to cover C. P. (B3-P-2109) to make changes in equipment and change power from 100 watts to 100 watts, 250 watts day.

WDWS—The Champaign News Gazette, Champaign, Ill.—Authority to install automatic frequency control apparatus.

1420 Kilocycles

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install new equipment, new vertical antenna; change frequency from **1420 kc.** to **630 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day; and move transmitter.

1430 Kilocycles

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—Construction permit for a new station on **1430 kc.**, 1 KW power, unlimited time. Amended: Give transmitter site at Emma Road, near Asheville, N. C.

1500 Kilocycles

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Construction permit to install new transmitter; make changes in antenna; increase power from 100 watts to 100 watts night, 250 watts day; and move transmitter.

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Modification of construction permit B4-P-2165 for new station, requesting authority to install new transmitter and vertical antenna, approval of transmitter and studio sites at 2100 West Broadway, Sedalia, Mo.

MISCELLANEOUS

WGHB—Florida West Coast Broadcasting Company, Inc., Tampa, Fla.—License to cover C. P. (B3-PRY-169) for new relay station.

WIPM—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

WIPL—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

W9XXM—Indianapolis Power & Light Co., Indianapolis, Ind.—Voluntary assignment of license to WFBM, Inc.

W9XXZ—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new portable-mobile relay station on **31620, 35620, 37340, 39620 kc.**, 25 watts power, A-3.

WDAC—University of Wisconsin, Portable-Mobile, vicinity of Madison, Wis.—License to cover construction permit B4-PRY-150.

WNEI—Indianapolis Power & Light Co., Mobile.—Voluntary assignment of license to WFBM, Inc.

NEW—Yuma Broadcasting Co., Yuma, Ariz.—Construction per-
1210 mit for a new broadcast station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited hours.

NEW—B. B. Shapiro, F. P. Shapiro and H. Shapiro, d/b as Leroy's Jewelers, Los Angeles, Calif.—Construction permit for a new television broadcast station on frequencies **50000-56000, 66000-72000, 78000-84000 kc.**, power of 1 KW, Emission A3 and A5 for both visual and aural. Amended to request frequency band **66000-72000 kc.**

W6XAP—Airfan Radio Corp., Ltd., San Diego, Calif. (Portable-Mobile).—Modification of license to change frequencies in accordance with new rules to request **31220, 35620, 37020, 39260 kc.**, and power to conform with new assignment reduced from 30 to 25 watts.

W1XOK—The Yankee Network, Inc., Boston, Mass.—License to cover C. P., B1-PRE-107, as modified. Amended to request frequencies **133030, 134850, 136810, 138630 kc.**, power of 50 watts.

NEW—Central New York Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay broadcast station on frequencies **1606, 2022, 2102, 2758 kc.**, power of 100 watts, A3 emission.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Con-
1310 struction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited hours.

NEW—Columbia Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station on frequencies **1646, 2090, 2190** and **2830 kc.**, power 50 watts, A3 emission.

NEW—The Louisville Times Co., Portable-Mobile, area of Louisville, Ky.—Construction permit for a new relay broadcast station on **30820, 33740, 35820, 37980 kc.**, 10 watts, A-3.

NEW—The Louisville Times Co., area of Louisville, Ky.—License to cover C. P. above.

W8XAL—The Crosley Corporation, Mason, Ohio.—Modification of construction permit for extension of completion date to 1-1-40.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new television station on **60000-86000 kc.**, 1 KW power, A-3 and A-5, located at Wilshire Blvd at Fairfax St., Los Angeles, Calif. Amended to request **50000-56000 kc.** or **66000-72000 kc.**

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new relay station on **1622, 2058, 2150, 2790 kc.**, power of 50 watts, A-3.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Anesthetic Advancement & Research Guild, Inc.—See Guild Anesthetic Laboratories.

Actino Laboratories, Inc., 429 West Superior St., Chicago, and its president, Carl Loeb, are charged with misleading representations in the sale of orthoptic equipment in a complaint.

The complaint alleges that the respondents sell three types of orthoptic machines, two of their own manufacture and one made by a competitor and that, in order to induce the purchase of the machines they manufacture, they accept the used machines made by a competitor from customers as part payment for their own products. It is alleged that the respondents thereupon sell the competitor's machine as new and at prices substantially lower than those charged by the competing manufacturer for new, unused machines. (3813)

Guild Anesthetic Laboratories—Misrepresentation that a commercial organization is operating as a guild or association of persons engaged in kindred pursuits for mutual protection, aid and cooperation, is alleged in a complaint. The respondent, Guild Anesthetic Laboratories, 2457 South Michigan Ave., Chicago, until recently known as Anesthetic Advancement and Research Guild, Inc., distributes a medicinal preparation known as "Guild Procaine Epinephrine Anesthetic", for use as a local anesthetic. Its customers include dentists, physicians and dental colleges.

It is alleged that the respondent corporation misrepresented the character of its business by use of the trade or corporate names "Anesthetic Advancement and Research Guild, Inc.", and "Guild Anesthetic Laboratories", some of the printed matter showing the word "Guild" set out in large type. (3816)

Norman Company—Alleging misleading representations in the sale of novelty merchandise, including lamps and shades, a complaint has been issued against Norman Company, a corporation, and its officers, Samuel J. Goldberg, Mrs. May Goldberg, Edward Koplin, and Max Feder, all of 169 Madison Ave., New York.

It is alleged that the Norman Company sent merchandise to various individuals, partnerships and corporations without previously receiving orders therefor and that in its correspondence with such purported purchasers, contended that the merchandise had been shipped in response to orders.

The complaint charged that the corporate respondent received no orders for the merchandise sent to purported purchasers in such instances and that its purpose was, through threats, coercion and annoyance, to induce the purported purchasers to accept and pay for merchandise rather than submit to the annoyance of interminable correspondence and threats. (3812)

Philip R. Park, Inc., San Pedro, Calif., distributor of a dehydrated kelp product in powdered and tablet form designated "Granular Parkelp" and "Parkelp Tablets", has been served with a complaint alleging misrepresentation.

Among advertisements disseminated by the respondent are the following: "Parkelp is amazingly rich in iodine, iron, calcium and other food minerals which land foods lack", and "It is interesting to know that lack of food minerals in such land-grown vegetables as lettuce, celery, asparagus, spinach, etc., which form a part of our daily diet, often results in deficiency conditions of the body. You can add these important minerals and vitamins to your diet in any easy and economical way. Try Parkelp, a pure, deep sea kelp product that brings you food minerals from the sea."

The complaint alleges that the amount of minerals other than iodine contained in respondent's product is not sufficient to produce the results claimed in respondent's advertising. It is also alleged that the diet of the American people is not deficient in the minerals mentioned in respondent's advertising, nor are the vegetables therein referred to deficient in such minerals. (3815)

Puritan Undergarment Corp.—Misleading representations in the sale of women's undergarments in violation of the Federal Trade Commission Act are alleged in a complaint issued against Puritan Undergarment Corporation, 1427 DeKalb Ave., Brooklyn. It is alleged that garments containing 87 per cent cotton, 10 per cent rayon and only 3 per cent wool were misleadingly represented as containing 15 per cent wool; that garments containing 10.5 per cent wool, the remainder being rayon and cotton, were advertised as 30 per cent wool, and that garments appearing to be made partly of silk were sold without disclosure that the fiber or material in question was not silk, but rayon. (3810)

Refrigeration & Air Conditioning Institute, Inc., 2150 Lawrence Ave., Chicago, has been served with a complaint alleging violation of the Federal Trade Commission Act in the sale of correspondence courses.

In selling its courses in refrigeration and air conditioning, the respondent is alleged to have made representations through its salesmen and by means of its advertising matter implying that there is a great demand for men in the air-conditioning and refrigeration industries; that these industries will absorb all graduates of the respondent school or that approximately 5,000 of its graduates will be so absorbed annually and that the respondent school is the official training agency of the two industries.

It is also alleged that the respondent implies that its educational program is directly in charge of officers or employees of certain leading manufacturers; that manufacturers who have commended the respondent's training will give employment to its graduates or to a large percentage thereof and that such manufacturers have actually sponsored the school or contributed financially to its upkeep. (3811)

Tetrine Chemical Sales Company—Maurice M. Goldberg and Tetrine Chemical Sales Company, 521 Fifth Ave., New York, are charged in a complaint with misrepresentation in the sale and distribution of fire extinguishers and chemical fluids.

The complaint charges that the respondents represent that fire extinguishers are given free to purchasers of a certain specified quantity of chemical fluid for use in the extinguishers, and that the representation is false and misleading, as the price received by the respondent for the fluid is so clearly in excess of the normal market value as to include not only the value of the fluid but the fire extinguishers as well. (3814)

Weiss Bedding Company, Inc.—Alleging false representations of the fiber and material of which mattresses are made a complaint has ben issued against Weiss Bedding Company, Inc., and its president, Dan Weiss, Jr., 365 Baxter Ave., Louisville, Ky., mattress manufacturers.

Among representations allegdly used by the respondents in advertising certain of their mattresses are assertions such as "This mattress contains 100 per cent cotton felt," "All new and sanitary," and "Complies with all State laws."

The complaint alleges that certain of the respondents' mattresses do not contain 100 per cent cotton felt, that the material in them is not all new and sanitary and that the mattresses as produced do not comply with all State laws. (3809)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

William J. Cressy, 2521 North 56th St., Milwaukee, formerly trading as Flying Intelligence Service, in the sale of a manual of instructions in aviation, has been ordered to cease and desist from representing that he conducts a flying school; that he will procure jobs for students either during or after training; that he is affiliated with the United States Air Corps or that purchasers of his aviation manual will receive training by that air corps. The complaint in this case was dismissed as to Mrs. Effie Robertson, who was found not to be a partner in the business. (3431)

Lewyn Drug, Incorporated, Hollywood, Calif., distributor of medicinal preparations known as Dr. Haller's Prescription 5000 and Dr. Haller's Prescription 2000, has been ordered to cease and desist from disseminating advertisements which represent that use of these preparations constitutes a competent, safe and scientific treatment for delayed menstruation, and that their use will produce no ill effects.

The order also prohibits dissemination of advertisements which fail to reveal that use of these preparations may result in serious injury to the health of the user.

The true facts are, according to findings of the Commission, that use of either of the respondent's preparations may result in gastro-intestinal disturbances such as catharsis, nausea and vomiting with pelvic congestion, inflammation and congestion of the uterus and adnexa leading to excessive uterine hemorrhage, and in those cases where either of these preparations is used to interfere with the normal course of pregnancy, may result in uterine infection with extension to other pelvic and abdominal structures causing septicemia or blood poisoning. (2934)

National Sales Company—Robert R. Charney, trading as National Sales Company and as Windsor Pen Company, 1315 Atlantic Ave., Atlantic City, N. J., has been ordered to cease and desist from representing excessive fictitious prices as regular prices of its merchandise; that any articles customarily sold in connection with use of a purported certificate have value exceeding the actual money price required to be paid; that certain fountain pens last a life time and that rings or necklaces are set with diamonds or will not tarnish or discolor. (3610)

O. K. Tailoring Company, Inc.—Misleading representations in the sale of men's garments are prohibited under an order to cease and desist issued against O. K. Tailoring Company, Inc., 325 South Market St., Chicago.

The respondent company was directed to discontinue employing the unqualified word "wool" or words of similar meaning to designate fabrics or products not composed wholly of wool, provided that in case of a fabric or product composed partly of wool and partly of other materials such words may be used as descriptive of the wool content if in immediate conjunction there also appear accurate designations of each constituent fabric or material in the order of predominance by weight.

Under the order, the respondent is also to cease using the term "free" or similar terms to refer to merchandise regularly offered as compensation for distributing the respondent's clothing products; to cease representing that the respondent's garments are the fastest selling lines of such merchandise in America, and that its agents receive specified compensation for the sale of the respondent's merchandise, unless they do in fact receive such compensation and there is no deception as to the services to be performed in obtaining. (3404)

Stillwater Company—Hay fever is not attributable to oversensitive, weak, or unhealthy local conditions of the nasal membranes and their consequent susceptibility to excessive irritation from pollens, and cannot be successfully treated and cured, or the cause removed, by local medication, according to findings made in connection with issuance of a cease and desist order against R. O. Murphy, trading as The Stillwater Company, Stillwater, Minn., distributor of five preparations advertised as a treatment and remedy for hay fever.

Findings of the Commission are further that the respondent's theories as to the treatment of or method of averting hay fever by local applications to the membranes of the nose are not in accordance with the concensus of present-day medical opinion. (3608)

Windsor Pen Company—See National Sales Company.

STIPULATIONS

The Commission has entered into the following stipulations:

Gabilla, Inc., 19 West 18th St., New York, a corporation engaged in the sale and distribution of perfume products, has stipulated to cease and desist from use of the word "Paris" or "France" on its labels or containers so as to imply that its products are of French origin, and from use of the words "Bottled in U. S. A." to imply that the product is imported in bulk as finished perfume and bottled in the United States, and from use of any foreign address on its letterheads or trade literature so as to imply that the corporation has offices or places of business in the foreign countries indicated, when such are not the facts. (2478)

Dr. Laun Sales Company—Joseph E. Gessner, trading as Dr. Laun Sales Company, 207 North Michigan Ave., Chicago, agrees to cease disseminating advertisements representing that "Dr. Laun's Reducing and Stimulating Balm", either with or without the application of massage, will remove fat from the body or any part thereof or that the preparation or any of its ingredients has any value as a reducing agent. (2480)

Mentos Products, Inc., 1469 North Hirst St., Philadelphia, agrees to cease advertising that use of Mentos will promote the growth of hair; that Mentos or Mentos Shampoo is capable of cleansing below the pore openings; that Mentos is efficacious in "building the resistance of the skin and scalp"; that its use will result in permanent cessation of falling hair, scalp itching or "sores between toes" and will cure eczema, ringworm, psoriasis, scalp irritations, scaly scalp conditions or dandruff. In its stipulation the respondent company admits that use of its products will not accomplish the results claimed. (02384)

Photo-Markets, Inc., Washington, D. C., publisher of a magazine "Photo-Markets", has entered into a stipulation to cease and desist from the sale or distribution of cards or tags bearing the inscription "Press Card" or "Press Tag", purporting to grant bearers exceptional privileges through police and fire lines. The so-called "Press Tags" are designed for attachment to automobile license plates. (2475)

Solo Chemical Works, Inc., 212 Fifth Ave., New York, has entered into a stipulation to discontinue misleading representations in the interstate sale of so-called tubular fly ribbons. The respondent agrees to discontinue using the word "Honey" alone or in connection with a picturization of a bee hive or in any other way as a brand name or designation for its product so as to imply that it has been substantially treated with honey. The stipulation recites that the honey content of the coating used on the ribbons was not substantial and added nothing to their effectiveness. (2479)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 25, June 23, 1939

FCC Grants One-Year Licenses

The broadcasting industry's long fight for longer licenses bore first fruit this week when the FCC decided to make the normal license period one year instead of six months.

Although the industry will be extremely gratified to hear of the commission's decision, the fight for the three-year license authorized by Congress in 1934 will continue.

The industry feels that it can render better public service with the degree of additional stabilization granted by the commission with one year licenses. It also feels, however, that it could render still better public service with three-year licenses.

The one-year rule will become effective immediately, but does not affect current licenses. From now on, all licenses will be renewed or granted normally on a one-year basis.

SWAGAR SHERLEY TO REPRESENT NAB AT SHORT-WAVE HEARING

The NAB has retained the Hon. Swagar Sherley as special counsel for the hearings in regard to the recent regulations concerning international short-wave broadcasting. A petition will be filed requesting (1) a postponement of the date of the hearing which is now set for July 12; (2) that the scope of the hearing be enlarged to include all the regulations recently issued; and (3) that the operation of the regulations be suspended pending the hearings. In addition, each of the seven operators in the international short-wave field will file individual appearances.

These developments came forth as a result of the meeting of the NAB International Short-Wave Committee which met last Wednesday in New York at the call of President Miller, chairman of the Committee. Those present were: Frank Mason, Frank Russell, and P. J. Hennessey, Jr., of the National Broadcasting Company; Dr. Charles B. Jolliffe of Radio Corporation of America; Harry Butcher, Frederic Willis, Paul Porter and A. B. Chamberlain of the Columbia Broadcasting System; Dr. Leon Levy, WCAU, Philadelphia, Pennsylvania; Walter Evans and J. B. Rock of Westinghouse Broadcasting Stations; Jack Poppele, WOR, New York City; Joseph Reis, WLW, Cincinnati, Ohio. From NAB Headquarters were Edwin Spence, Secretary-Treasurer; Andrew Bennett, Counsel; and Ed Kirby, Director of Public Relations.

AD MEN DISCUSS CODE

Discussion of the proposed Code and Standards of Practice occupied the major portion of both the morning and afternoon sessions in the Sales Managers' department of the Advertising Federation of America, in

(Continued on page 3554)

Make Your Reservations Now to Attend the Seventeenth Annual NAB Convention

Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

AD MEN DISCUSS CODE

(Continued from page 3553)

annual convention at the Waldorf-Astoria, New York City, last Tuesday.

Representatives from leading agencies in New York, Chicago and Detroit took part in the discussions, which were led by President Neville Miller, Craig Lawrence, Chairman of the Sales Managers' Division; and Ed Kirby, Director of Public Relations.

In general, there was sympathetic agreement among agency people present with the underlying fundamentals of the Code. Several changes in phraseology were suggested. In addition, agency people were again invited to make specific recommendations to the Code Committee.

It was the feeling of Headquarters men present that no serious obstacles appeared in the Code which could not be overcome through further discussions with agency people.

Over one hundred people attended the sessions and also the luncheon, at which entertainment was furnished by the three major networks. Due to a last-minute emergency call to Washington, Mayor Fiorello LaGuardia was unable to deliver his address on "Radio by the American Plan." Instead, Newbold Morris, President of the New York City Council and acting Mayor, appeared in His Honor's place and praised radio as one of the "cleanest and most useful of American industries."

FREE OFFERS

V. M. Products, Chicago, wasted a lot of postage last week in sending a cost-per-inquiry proposition to all stations. The NAB advised the firm that acceptance would constitute violation of the Code. Many thanks to the 43 members who forwarded the proposition to Headquarters.

The Popular Music Instruction Company, New York, is out with another percentage proposition. We again have notified this firm that acceptance would constitute Code violation.

We are pleased to report that Forjoe and Company, New York, has withdrawn its contingent proposition at the NAB's suggestion.

James R. Lunke and Associates, Chicago, is proposing advertising for the Industrial Training Corporation on the basis of a *guaranteed* number of inquiries. The NAB is of the opinion that this amounts to cost-per-inquiry business, and that acceptance would constitute code violation.

The National Society for the Prevention of Blindness and the Council Against Intolerance in America are seeking free time for Fourth of July programs. There appears to be no commercial motive in either. Both are reputable organizations.

Labor

A. F. OF M. CONVENTION

Little of prime importance to broadcasting was done at the American Federation of Musicians convention last week in Kansas City.

The convention voted down a resolution which would have compelled the networks to broadcast a local band on sustaining time each time they broadcast a travelling band. In his annual report, Joseph N. Weber, A. F. of M. president, said:

"Outstanding in the entire question is that we have no authority and never will have, to decide as to what should go over the air, as this authority strictly rests with the broadcaster, as a prerequisite to their responsibility to the government concerning the purposes for which broadcasting is used."

The jurisdictional dispute between the A. F. of M. and the International Brotherhood of Electrical Workers, also an A. F. of L. union, was referred to the A. F. of M.'s executive council.

The convention adopted Mr. Weber's recommendation that no local should make a contract for more than one year without the executive board's consent. It also reduced the local tax on travelling bands for broadcasting; banned payment of social security taxes by leaders instead of by "person or party for whom musicians' services are rendered"; and decided that two 15-minute commercial transcriptions could not be made at the half-hour price.

Mr. Weber made a full report on his discussions with the moving picture industry about a reemployment plan somewhat similar to that which the broadcasting industry has undertaken. Conferences are to be resumed in the fall.

WAGE-HOUR CHIEF AT CONVENTION

The NAB is pleased to announce that Elmer F. Andrews, federal wage and hour administrator, has accepted an invitation to address the NAB's annual convention on Wednesday morning, July 12.

Any member having a wage and hour question which he would like to have Mr. Andrews discuss should submit it to the NAB Labor Relations Department within the next few days. These questions should be confined to topics of general interest in the industry.

EMPLOYERS MAY ASK ELECTIONS

The Labor Relations Board decided this week to allow an employer caught in the middle of a fight between two bona fide labor unions to petition for an election to determine which union the employer should deal with.

The board's refusal heretofore to consider employer petitions has been one of the greatest complaints business has had against the operation of the Wagner Act.

Now, when each of two or more unions claim a majority but is unwilling to try to prove it, the employer can ask for an election. The losing union or unions would have no grounds for calling a strike.

Legal

FLORIDA'S NEW LIBEL LAW

Florida's new libel law (NAB Reports, May 12, p. 3472), relating to the civil liability of owners, lessees and operators of radio broadcasting stations, became the law of the state June 12.

The complete text of the law follows:

AN ACT in relation to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and the agents and employees of any such owner, lessee, licensee or operator, for radio defamation or libelous statements.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The owner, lessee, licensee or operator of a radio broadcasting station, and the agents or employees of any such owner, lessee, licensee or operator, shall not be liable for any damages for any defamatory or libelous statements published or uttered in or as a part of a radio broadcast, by one other than such owner, lessee, licensee or operator, or agent or employee thereof, unless the said owner, lessee, licensee or operator, or agent or employee affirmatively declares that such statements are made for and in behalf of such owner, lessee, licensee or operator of such radio station or its agent or employee.

Section 2. This Act shall not be applicable to or affect any cause of action existing at the time this Act becomes effective.

Section 3. If any section in this Act or any part of any section shall be declared invalid or unconstitutional such declaration of invalidity shall not affect the validity of the remaining portions hereof.

Section 4. All acts or parts of acts in conflict herewith are hereby expressly repealed.

Section 5. This Act shall take effect upon its becoming a law.

NEW LEGISLATION

CONGRESS

S. 2611 (Sen. Wheeler, Montana) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed $30,000. Referred to the Committee on Interstate Commerce.

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FCC ASKS APPROPRIATION

All of FCC members except Chairman Frank R. McNinch attended a hearing on Monday of a Subcommittee of the House Appropriations Committee. Mr. McNinch was out of town because of illness.

The Commission which is working this year under an appropriation of $1,700,000 asked the Committee for a $2,000,000 appropriation for the coming fiscal year beginning July 1 to take care of additional personnel in the Law Department, Engineering and Accounting.

Commissioner Thad H. Brown, who is acting chairman this week, was the only member of the Commission on the stand. Other representatives of the Commission who appeared at the executive hearing included William J. Dempsey, Chief Counsel; E. K. Jett, Chief Engineer; William J. Norfleet, Chief Accountant; and John B. Reynolds, Assistant Secretary.

It is reported that several questions were asked Commissioner Brown about the Commission's international broadcast regulations, and he told the Committee, it is said, that members of the Commission did not feel when the regulations were drawn, and do not feel now, that these rules invoke any kind of censorship. It is expected that the Commission's appropriation will be included in the third deficiency bill which will probably pass the House in a few days. Representative Woodrum is Chairman of the Committee in charge of the hearings.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission in a Proposed Findings of Fact proposed to deny the application of WGTM, **Wilson, North Carolina,** for a construction permit to authorize changes in equipment, make changes in antenna, and operate with 500 watts power on **1240 kilocycles,** daytime only. The station now operates daytime only with 100 watts power on **1310 kilocycles.**

The Commission has also announced a Proposed Findings of Fact proposing to deny the application of the Moody Bible Institute Radio Station, **Chicago, Illinois,** for a permit to construct a new non-commercial educational broadcast station to operate on **41,300 kilocycles,** 100 watts power, unlimited time.

The Commission proposed in a Proposed Findings of Fact to grant the application of KTEM, **Temple, Texas,** for authority to modify its present license use of **1370 kilocycles,** 250 watts, daytime only, so as to permit it to increase its hours of operation to unlimited time, using 100 watts power at night.

In a Proposed Findings of Fact the Commission also proposed to grant the application of WALA, **Mobile, Alabama,** to move its transmitter site locally, install vertical radiator and increase its nighttime power from 500 watts to 1000 watts on its present frequency of **1380 kilocycles,** with 1000 watts LS, unlimited time.

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of WEDC, **Chicago, Illinois,** to increase its daytime power from 100 watts to 250 watts and to operate from midnight to 6:00 a. m. The station operates on **1210 kilocycles,** with specified hours.

The application of the Kingston Broadcasting Corporation for a construction permit for a new station at **Kingston, New York,** to operate on **1500 kilocycles,** 100 watts, daytime only, has been granted by the Commission.

The Commission has also granted the application of the Albemarle Broadcasting Company for the erection of a new station at **Elizabeth City, North Carolina,** to operate on **1370 kilocycles,** 100 watts night, 250 watts LS, unlimited time. The Commission granted the application on condition that the permittee "shall file an application for modification of C. P. specifying the exact transmitter location and antenna system within two months after the effective date of the order."

The application of Broadcasting Station WHLS, **Port Huron, Michigan,** to increase its power from 250 watts to 100 watts night, 250 watts LS, and hours of operation from daytime to unlimited time has been granted by the Commission. The station operates on **1370 kilocycles.**

The Commission has granted the application of WBNX, **New York City,** for authority to change the transmitter site locally, to install new equipment and directional antenna system, and to increase its daytime power from 1000 watts to 5000 watts on **1350 kilocycles.**

The Commission has also granted the application of WMBG, **Richmond, Virginia,** to install new equipment, to increase its power from 500 watts unlimited time to 5000 watts day and 1000 watts night, using directional antenna system. WMBG operates on **1350 kilocycles.**

The application of WJBL, **Decatur, Illinois,** to change its frequency from **1200** to **1310 kilocycles,** and its power from 100 watts to 100 watts night, 250 watts LS, and time of operation from sharing with WJBC to unlimited hours, has been granted by the Commission. The Commission also granted the application of WBOW, **Terre Haute, Indiana,** to change its frequency from **1310** to **1200 kilocycles,** to move the station locally, using present power of 100 watts night, 250 watts LS, and unlimited hours of operation. The application of WJBC, **Bloomington, Illinois,** to change its time of operation from sharing with WJBL to unlimited time on **1200 kilocycles,** with 100 watts night, 250 watts LS, was also granted.

The Commission has denied the application of Station WOMI, **Owensboro, Kentucky,** to change its operating assignment from **1500 kilocycles,** 100 watts night, 250 watts LS, unlimited time, to **1200 kilocycles,** with the same operating power, unlimited time.

The application of Station KFQD, **Anchorage, Alaska,** to have its license renewed has been granted by the Commission, but the application for an experimental broadcast station was denied.

The Commission announced its Proposed Decision and Order in the matter of the application of Hearst Radio, Inc., licensee of Station KEHE, Los Angeles, Cal., for Voluntary Assignment of License to Earle C. Anthony, Inc., and the application of Earle C. Anthony, Inc., for authority to move Station KECA from Los Angeles to San Diego, Cal., and to assign the license of KECA to Worcester Broadcasting Corporation. (No. B-39.)

The Commission Ordered, "that said application for assignment of license of Station KEHE be, and the same is hereby Granted, upon condition that license of Station KECA be surrendered for cancellation prior to the operation of Station KEHE by Earle C. Anthony, Inc."

Earle C. Anthony, Inc., in requesting a construction permit to move Station KECA to San Diego, to operate under different call letters, is requesting the Commission to authorize him to construct a radiobroadcast station which he does not intend to construct or to operate. He admittedly is only requesting this authorization from the Commission in order that he may assign it to the Worcester Broadcasting Corp. The application to assign the license of Station KECA to the Worcester Broadcasting Corp. is nothing more than an application to assign the construction permit which is being requested by Earle C. Anthony, Inc. The Commission does not deem it in the public interest to grant a construction permit to anyone merely for the purpose of permitting such person to assign or sell the permit to another, nor does the Commission deem it in the public interest to authorize in advance of granting such construction permit the assignment of the permit to a third person.

Insofar as Earle C. Anthony, Inc., may desire to dispose of its station equipment and other physical property which is no longer useful to it because of the acquisition of Station KEHE, and the surrender of its license to operate the facilities of KECA, the consent of the Commission is not necessary. In the instant case, however, Earle C. Anthony, Inc., is not applying for consent to the transfer of the license of KECA to the Worcester Broadcasting Corp., with its concomitant duties and responsibilities, but on the contrary is seeking to obtain a permit to construct an entirely different station to be located in a different city and serve a different area, while at the same time seeking to obtain the consent of the Commission to assign that construction permit to the Worcester Broadcasting Corporation. The application for construction permit must be denied since Earle C. Anthony, Inc., admittedly has no intention of constructing a radiobroadcast station in San Diego. For the foregoing reasons, the application for consent to assign license of Station KECA from Earle C. Anthony, Inc., to Worcester Broadcasting Corp. must also be dismissed.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 26. They are subject to change.

Monday, June 26

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

WCBA—B. Bryan Musselman (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.**, 500 watts, 500 watts LS, shares WSAN.

WSAN—WSAN, Inc. (Assignor), Lehigh Valley Broadcasting Company (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.**, 500 watts, 500 watts LS, shares WCBA.

Friday, June 30

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.**, 500 watts, Emission A-3, unlimited time, according to Rule 983.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

September 6

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **570 kc.**, 1 KW, unlimited time (DA night and day). Present assignment: **1500 kc.**, 100 watts, unlimited time.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

September 8

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., **1200 kc.**, 100 watts, daytime.

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, specified hours.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, specified hours.

September 15

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **31600, 35600, 38600** and **41000 kc.**, 100 watts, 100 watts LS, Emission A-3, unlimited, according to Rule 983 (a).

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license, **42180 kc.**, 100 watts, 100 watts LS, Emission A-3, unlimited, according to Rule 983 (a).

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, **25950 kc.**, 1000 watts, 1000 watts LS, Emission A-3, unlimited, according to Rule 983 (a).

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, **88000, 120000, 240000** and **500000 kc.**, 500 watts, 500 watts LS, Emission A-3, unlimited, according to Rule 983 (a).

October 9

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted authority to make changes in authorized equipment and increase day power from 250 watts to 1 KW.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted C. P. to make changes in composite equipment and increase in power from 250 watts to 1 KW.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of license to increase time of operation to include 5 to 6 a. m., CST, using 1 KW power.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted C. P. to change frequency from **1320 kc.** to **590 kc.**, install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW.

KRIC—Beaumont Broadcasting Assn., Beaumont, Tex.—Granted voluntary assignment of license from Beaumont Broadcasting Association, B. A. Steinhagen, President, to KRIC, Inc.

WSMB—WSMB, Inc., New Orleans, La.—Granted C. P. to replace one of the towers of the DA system which was destroyed by storm, and to make slight changes in the directive pattern.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted C. P. to make changes in transmitting equipment and increase in day power from 1 KW to 5 KW.

W2XBF—William G. H. Finch, New York City.—Granted modification of developmental broadcast station license to change class of station from developmental to facsimile broadcast, to operate on frequency **43740 kc.**, 1 KW, unlimited time.

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted modification of C. P. (Commissioner Craven voting "No"), approving transmitter site at North Water Street, and vertical antenna.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending December 1, 1939:

KEEN, Seattle, Wash.; KGFI, Brownsville, Tex.; KIDW, Lamar, Colo.; KLBM, LaGrande, Ore.; KOKO, LaJunta, Colo.; KRLH, Midland, Tex.; KTRI, Sioux City, Iowa; KWEW, Hobbs, N. Mex.; WEED, Rocky Mount, N. C.; WJBK, Detroit, Mich.; WLLH, Lowell, Mass.; WMBS, Uniontown, Pa.; WMFD, Wilmington, N. C.; WTMV, E. St. Louis, Ill.; WGRC, New Albany, Ind.; KAST, Astoria, Ore.; KHUB, Watsonville, Calif.; WBRY, Waterbury, Conn.; WRBL, Columbus, Ga.; WTAL, Tallahassee, Fla.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, but in no event longer than August 1, 1939:

KAWM, Gallup, N. Mex.; KNET, Palestine, Tex.; KRMC, Jamestown, N. Dak.; KYSM, Mankato, Minn.; WGIL, Galesburg, Ill.; WKAT, Miami Beach, Fla.; WMFJ, Daytona Beach, Fla.; WMFO, Decatur, Ala.

KOBH—Black Hills Broadcasting Co., Rapid City, S. Dak.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the application for renewal of license and assignment of license pending before it.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted renewal of license on a temporary basis only upon the condition it is subject to whatever action may be taken by the Commission upon pending applications for renewal of license, C. P., and voluntary assignment of license, and upon the application of the Cascade Broadcasting Co., Inc., for C. P.

KSAN—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted renewal of license on a temporary basis only, and shall not be construed as a finding upon the application for renewal of license now pending before the Commission nor upon any of the issues raised by said application.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon pending application for renewal.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon pending applications of licensee corporation for renewal and consent to operate unlimited hours, and upon the pending application of Lane J. Horrigan.

WRDO—WRDO, Inc., Augusta, Me.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon pending application for renewal.

The following stations were granted renewal of licenses for the regular period:

KATE, Albert Lea, Minn.; KBPS, Portland, Ore.; KDNT, Denton, Tex.; KICA, Clovis, N. Mex.; KNOW, Austin, Tex.; KPAB, Laredo, Tex.; KRIC, Beaumont, Tex.; KTUC, Tucson, Ariz.; KWYO, Sheridan, Wyo.; WACO, Waco, Texas; WAGF, Dothan, Ala.; WBLK, Clarksburg, W. Va.; WBTM, Danville, Va.; WKEU, Griffin, Ga.; KDAL, Duluth, Minn.; KGKB, Tyler, Tex.; WHMA, Anniston, Ala.; WMEX, Boston, Mass.; WPAY, Portsmouth, Ohio; WPRP, Ponce, Puerto Rico.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940, upon an experimental basis only, subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940, upon an experimental basis only, subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W8XWJ—The Evening News Assn., Detroit, Mich.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W2XQO—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W2XBF—William G. H. Finch, New York City.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, on an experimental basis only, subject to change or cancellation by the Commission without advance notice or hearing, if in its discretion the need for such action arises.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted renewal of license on a temporary basis and designated application for hearing because of pendency of the application of Roy L. Albertson for modification of license of WBNY requesting facilities of WSVS; and to determine whether public interest, convenience or necessity would be better served by granting this application than by granting the application of Roy L. Albertson for modification of license.

KSUB—Leland M. Perry, Cedar City, Utah.—Granted special temporary authority to Leland M. Perry, surviving partner of Johnson and Perry, a partnership formerly composed of Harold Johnson and Leland M. Perry, to operate station KSUB for the period July 1 to December 1, 1939, upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken upon any formal application for regular authorization which may be submitted hereafter with respect to station KSUB; and subject further to the condition that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KQV—KWV Broadcasting Co., Pittsburgh, Pa.—Application for modification of license to increase night power from 500 watts to 1 KW, employing DA system. Designated for hearing to determine question of interference and pending applications involve increase in service.

WKBO—The Telegraph Press, Inc., Harrisburg, Pa.—Application to transfer control of corporation from The Telegraph Press, Inc., to J. H. Steinman and John F. Steinman. (Station WKBO is licensed to Keystone Broadcasting Corp., and operates on **1200 kc.**, 100 watts, 250 watts LS.) Designated for hearing as transferees already own and control six radio broadcast stations—WDEL and WILM, Wilmington; WAZL, Hazleton, Pa.; WORK, York, Pa.; WGAL, Lancaster, Pa., and WEST, Easton, Pa.

NEW—C. L. Weathersbee, W. H. Nichols, C. L. Pickler, and E. M. Thompson, d/b as Albermarle Broadcasting Station, Albermarle, N. C.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts daytime only. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site, studio and type of antenna to be determined with Commission's approval.

NEW—Richard T. Sampson, Riverside, Calif.—Application for C. P. for new station to use **1390 kc.**, 250 watts, daytime only.

WTNJ—WOAX, Inc., Trenton, N. J.—Application for modification of license to change time of operation from sharing with WCAM and WCAP to sharing with these stations by adding the hours 8 to 10 p. m. to its operating period, this time to be withdrawn from stations WCAM and WCAP. Designated for hearing because of request which would withdraw three hours from WCAM and 11 hours from WCAP.

NEW—North Shore Broadcasting Co., Salem, Mass.—Application for C. P. amended so as to request **1200 kc.**, 100 watts, unlimited time. Exact studio location to be determined with Commission's approval.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Application amended so as to request C. P. to make changes in antenna and increase night power from 500 watts to 1 KW. Application designated for hearing because pending applications involve increase in service and to determine the possibility of interference.

NEW—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Application for C. P. for new station to operate on **1340 kc.**, 1 KW both day and night, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—Application for C. P. for new station to use **1420 kc.**, 100 watts day and night, specified hours.

MISCELLANEOUS

KVOS—KVOS, Inc., Bellingham, Wash.—Granted motion for continuance of hearing, now scheduled for June 28, to a date to be fixed by Office of the Secretary; application of Bellingham Broadcasting Co. also continued to same date and consolidated with KVOS hearing.

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Granted motion to withdraw without prejudice, application for modification of license to change frequency, power and time of operation.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of WAPO for C. P. to install new equipment, change frequency and power; exception noted by counsel for WAPO.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of WJBO for C. P. to install new equipment, increase power; exception noted by counsel for WJBO.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing now scheduled for June 26, in re application for renewal of license, to a date to be fixed by Secretary's Office.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted request for order to take depositions in re application of KFIO, Spokane, Wash., for C. P. to install new transmitter, vertical antenna, move transmitter, change frequency, power and time of operation.

KGA-KHQ—Louis Wasmer, Spokane, Wash.—Granted request for order to take depositions in re application of KFIO, Spokane, Wash., for C. P. to install new transmitter, vertical antenna, move transmitter, change frequency, power and time of operation.

WJBW—Charles C. Carlson, New Orleans, La.—Granted motion for continuance of hearing now scheduled for June 19, date to be fixed by Secretary's Office, on applications for renewal of license and modification of license.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted request for two-day postponement of hearing, now scheduled for July 12, on application for C. P. to install new transmitter, vertical antenna, move transmitter, change frequency, power and time of operation.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate evenings (LS, June, 8:15 p. m. and July, 8:15 p. m., CST), for the period June 17 to July 16, in order to broadcast civic, charitable, religious, educational, fraternal and commercial programs of outstanding public interest, and in order to carry programs of extreme local interest from Mutual B/c System.

WPG—City of Atlantic City, N. J.—Granted special temporary authority to operate from 3:15 to 4:30 p. m., EST, on June 18, in order to broadcast baseball game.

Herbert Becker, Los Angeles, Calif.—Granted special temporary authority to operate amateur station W6XAD as a relay broadcast station on frequencies **2399, 3492.5, 4797.5, 6425, 9135, 12862.5, 17310, 23100 kc.**, 500 watts, for the period June 18 to July 18, with A3 emission for broadcasting and A1 and A2 for testing. Station to operate as the receiving and communicating station for reception of programs from yacht contender entered in the San Francisco to Hawaii yacht race to be broadcast over station KHJ and Don Lee and Mutual Broadcasting Systems.

KOD—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.**, using 10 KW, employing DA system after sunset at Portland, Ore. (June and July 8 p. m., PST), for the period June 22 to July 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period June 22 to July 21.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted extension of license of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for the period July 2 to July 31, in order to broadcast educational programs.

WMFO—James R. Doss, Jr., Decatur, Ala.—Denied special temporary authority to operate from 7 to 10 p. m., CST, for the period ending no later than July 10, in order to broadcast American Legion athletic shows and city-wide revival campaigns, using 50 watts power.

The Travelers Broadcasting Service Corp., Hartford, Conn.—Designated for oral argument before the Commission the application for voluntary assignment of licenses of stations WTIC, W1XEH, W1XLU, W1XO, W1XT, to The Travelers Broadcasting Company.

WMEX—The Northern Corp., Boston, Mass.—Denied petition for rehearing filed by WMEX, intervener in the hearing on the application of The Yankee Network, Inc. (WAAB), Boston, for modification of license to increase power from 500 watts night, 1 KW day, unlimited time, to 1 KW, unlimited time, on **1410 kc.**, which was granted by the Commission May 1, 1939.

WHMA—Harry M. Ayers, Anniston, Ala.—Denied special temporary authority to operate unlimited time with power of 50 watts in order to broadcast Southeastern baseball games on June 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30 and July 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 1939.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit NBC programs originating on board the *Atlantic Clipper* over the CBS relay broadcast station WCBN for rebroadcast over a national network of radio stations affiliated with the NBC, for a period not to exceed 10 days.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay broadcast station WCBN aboard the aircraft *Atlantic Clipper*, owned by Pan American Airways Co. on the frequencies **2400, 4800, 6430, 8655, 12862.5, 17310** and **23100 kc.**, in addition to normal licensed frequencies, for a period not to exceed 30 days, in order to relay broadcast special programs during transatlantic flight of *Atlantic Clipper*.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station W2XUP on frequency **25700 kc.** only, pending Commission action on application, for the period June 17 to July 16.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency **42060 kc.**, in addition to normal licensed frequencies, for the period June 16 to July 15, pending definite arrangements to be made in the ultra high frequency bands.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Denied authority to operate from local sunset to 10 and 10:30 p. m., certain dates in July as requested.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., EST, on June 24, in order to broadcast speeches of U. S. Senator Radcliffe, Hon. D. J. Lewis, and Hon. G. H. Krantz, using 100 watts only.

W1XPW—WDRC, Inc., Meriden, Conn.—Granted license to cover C. P. for new high frequency broadcast station, frequency **43400 kc.**, experimental conditionally, 1 KW.

KXA—The American Radio Tel. Co., Seattle, Wash.—Granted modification of C. P. approving transmitter and studio sites and installation of vertical radiator.

WDWS—The Champaign News Gazette, Inc., Champaign, Ill.—Granted authority to install automatic frequency control apparatus.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted C. P. to make changes in transmitting equipment.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted C. P. to move transmitter locally to adjoining building occupied by WHIP.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City. Okla.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 watts to 250 watts.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted C. P. to make changes in equipment.

NEW—Joe L. Smith, Jr., Beckley, W. Va., Portable-Mobile.—Granted C. P. for new relay station to operate on frequencies **1622, 2058, 2150** and **2790 kc.**; 75 watts.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted license to cover C. P. for high frequency relay broadcast station; frequencies **30820, 33740, 36840, 36820** and **37980 kc.** on an experimental basis only, conditionally; 10 watts.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies **30820, 33740, 36840, 36820** and **37980 kc.** on an experimental basis only, conditionally; 10 watts.

W7XCY—Oregonian Publishing Co., Portland, Ore.—Granted C. P. for changes in equipment and increase in power from 2 to 4.5 watts and change frequencies to **31220, 35620, 37020** and **39260 kc.** experimentally, conditionally.

NEW—WGN, Inc., Portable-Mobile, Chicago, Ill.—Granted C. P. for new high frequency relay station; frequencies **31620, 35260, 37340** and **39620 kc.** conditionally, experimentally, 1 watt power.

NEW—WGN, Inc., Portable-Mobile, Chicago, Ill.—Granted C. P. for new high frequency relay station; frequencies **31620, 35620, 37340** and **39620 kc.** conditionally, experimentally, 25 watts power.

NEW—WGN, Inc., Portable-Mobile, Chicago, Ill.—Granted C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**; 50 watts.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted motion of WARD to consider and grant the application for authority to move transmitter site locally and install vertical radiator.

NEW—Peter J. Caldarone, Providence, R. I.—Denied petition for rehearing in reapplication for C. P. for a new station in Providence, which was denied by the Commission on May 1, 1939.

W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted petition to reconsider the action in designating for hearing the application for renewal of high frequency broadcast station license, and adopted order granting same.

W5XD—A. H. Belo Corp., Dallas, Texas.—Granted petition requesting reconsideration of action designating for hearing the application for renewal of high frequency broadcast station license, and adopted order granting same.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition for rehearing in the matter of the application of Pinellas Broadcasting Company, St. Petersburg, for C. P. to erect a new station which was granted by the Commission on April 3.

WMBG—Havens & Martin, Inc., Richmond, Va., and WRTD—Times Dispatch Radio Corp., Richmond, Va.—Denied petitions of WMBG and WRTD for rehearing on the application of WLBG, Inc. (WRNL), Richmond, Va., for C. P., which was granted by the Commission on March 20.

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—Ordered that a hearing on the application of Bellingham Broadcasting Co., Inc., for the facilities of KVOS, be conducted in the Federal Court Room, Bellingham, Wash., or such other place in the City of Bellingham, which may be designated, on a date convenient to all parties involved, and to the Commission.

WAPI—Alabama Polytechnic Institute, Birmingham, Ala.—Denied petition for rehearing in regard to the application of WAPI to assign license to Voice of Alabama, Inc., which was denied by the Commission on May 23, 1939.

KALE—KALE, Inc., Portland, Ore.—Granted petition to reconsider and grant application for C. P. heretofore set for hearing, and granted application to make changes in equipment; increase power from 1 to 3 KW, daytime, move transmitter and antenna to new site, subject to compliance with Rules 132 and 139.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Construction permit to install new transmitter, and vertical antenna, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter site from Physics Bldg., Corvallis, Oregon, to Granger, Oregon.

570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Modification of license to increase power from 1 KW, 5 KW day to 5 KW day and night.

580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night.

640 Kilocycles

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Modification of license to change frequency from **640** to **570 kc.**, and hours from limited to share with WOSU on same basis as WKBN at present, that is, specified hours. Request facilities WKBN. Amended: To change hours to specified hours.

650 Kilocycles

WSM—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Extension special experimental authority to operate a facsimile station from 12 midnight to 6 a. m., CST, on **650 kc.**, 50 KW, period 8-1-39 to 2-1-40.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Extension special experimental authority to operate on **710 kc.**, 1 KW, unlimited time, period 8-1-39 to 2-1-40.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new antenna and move transmitter from Bellmore to Port Washington, N. Y. Amended: Antenna changes.

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authority to operate a fascimile station from 12 midnight to 6 a. m., using 50 KW power, period 8-1-39 to 2-1-40.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Extension of special experimental authority to operate facsimile station from 1 a. m. to 6 a. m., using 50 KW, period 8-1-39 to 2-1-40.

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension special experimental authority to operate a facsimile station from 1 a. m. to 6 a. m., CST, 50 KW on **720 kc.,** period 8-1-39 to 2-1-40.

770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension special experimental authority to operate synchronously with KFAB from local sunset at Lincoln, Nebr. to midnight, period 8-1-39 to 2-1-40.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr. to midnight, CST, period 8-1-39 to 2-1-40.

1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Extension special experimental authority to operate a facsimile station from 12 midnight to 6 a. m., period 8-1-39 to 2-1-40.

1040 Kilocycles

WESG—Cornell University, Elmira, N. Y.—Extension of special experimental authority to operate on **850 kc.,** 1 KW, daytime to sunset at New Orleans, La., period 8-1-39 to 2-1-40.

WESG—Cornell University, Elmira, N. Y.—Construction permit to make equipment changes.

1060 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension special experimental authority to operate simultaneous KTHS on **1060 kc.,** from 6 a. m. to local sunset at Hot Springs, Ark., and from local sunset at Hot Springs to 9 p. m., EST on **1060 kc.,** and operate synchronously with WJZ on **760 kc.** with power 2½ KW, using directional antenna from 9 p. m., EST, period 8-1-39 to 2-1-40.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. —Extension of special experimental authority to operate simultaneously with KRLD (unlimited time) on **1040 kc.,** period 8-1-39 to 2-1-40.

1140 Kilocycles

WAPI—Ala. Polytechnic Inst., Univ. of Ala., Ala. College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Extension special experimental authority to operate unlimited time with directional antenna after sunset at Tulsa, Okla., period 8-1-39 to 2-1-40.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension special experimental authority to operate unlimited time on **1140 kc.,** 25 KW, using directional antenna for night, period 8-1-39 to 2-1-40.

1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XHW—WCAU Broadcasting Co., Mobile.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XAU—WCAU Broadcasting Co., near Newtown Square, Pa.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

1200 Kilocycles

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of construction permit (B2-P-241) as modified for increase in power, new equipment, new antenna, requesting authority to extend completion date from 7-17-39 to 9-17-39.

NEW—Hiawathaland Broadcasting Co., Sault Ste Marie, Mich.—Construction permit for new station on **1200 kc.,** 100 watts. 250 watts day, unlimited time.

1210 Kilocycles

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Construction permit to install new antenna and move transmitter.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Construction permit for changes in transmitter, install new antenna, change frequency from **1210 kc.** to **1370 kc.**

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Co., Detroit, Mich.—Construction permit to install new transmitter; make changes in antenna; increase in power from 1 KW to 1 KW night, 5 KW day; move transmitter from 5057 Woodward Ave. to Joy and Greenfield Rds., Detroit, Mich.

KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Authority to transfer control of corporation from Raymond E. Buck to Ruth G. Roosevelt, 1700 shares common stock.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter, and antenna to be determined; increase power from 1 to 5 KW; change frequency from **1240 kc.** to **620 kc.** Amended to specify a vertical antenna.

1260 Kilocycles

WNBX—Twin State Broadcasting Corp., Springfield, Vt.—Construction permit for changes in directional antenna system, use both day and night, and move studio and transmitter from Springfield, Vt., to Keene, N. H.

1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to move 1001-D transmitter from 5801 Radio Ave. to 701 Waterview Ave., Baltimore, Md. (site of new RCA 5-D main transmitter); increase power from 500 watts, 1 KW day, to 1 KW day and night, to be used as auxiliary transmitter for emergency use only, employing directional antenna day and night.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover C. P. (B1-P-1881) as modified for increase in power, move of transmitter, install new equipment and directional antenna for day and night use.

1310 Kilocycles

WGTM—WGTM, Inc., Wilson, N. C.—Authority to transfer control of corporation from Ben Farmer to H. W. Wilson, Charlotte L. Burns and Geo. C. McDonald, 49½ shares common stock.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—License to cover construction permit B3-P-2065, as modified, for new transmitter and antenna and move of transmitter.

WLNH—Northern Broadcasting Co., Laconia, N. H.—License to cover construction permit (B1-P-2284) for move of transmitter and new transmitter and antenna.

1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from **1350 kc.** to **630 kc.**; changes in antenna to use directional antenna night, and transmitting equipment. Request facilities KFRU and WGBF. Amended to request application be contingent on applications WGBF and KFRU being granted (B4-P-2321-2322).

1360 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Construction permit to make changes in equipment; install directional antenna; change frequency from **1360 kc.** to **1010 kc.**; increase power from 500 watts to 1 KW; change hours of operation from shares WGES to unlimited; and move transmitter from 4½ miles west on U. S. 2, South Bend, Ind., to 4 miles southeast of center of South Bend, on south side of Jackson Road, ¼ mile east of Miami Highway, South Bend, Ind. Amended to request **930 kc.**, 500 watts power, make changes in antenna, day and night use, and make changes in transmitting equipment.

1370 Kilocycles

WISE—Asheville Daily News, Harold H. Thoms, owner, Asheville, N. C.—Modification of construction permit B3-P-1066, for a new station, requesting equipment changes, approval of antenna and approval of studio and transmitter site at 179 South French Broad, Asheville, N. C. Amended: Equipment changes.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Authority to transfer control of corporation from George W. Taylor to W. P. Booker, 45 shares common stock.

1420 Kilocycles

NEW—WSPB, Inc., Sarasota, Fla.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts night, 250 watts day, unlimited hours.

1500 Kilocycles

WTMC—John T. Alsop, Jr., Ocala, Fla.—Voluntary assignment of permit from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc.

MISCELLANEOUS

W2XDG—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to change frequency to **42100 kc.** to comply with new rules. Amended: To request frequency **42420 kc.**

W2XHG—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to change frequency to **42260 kc.** to comply with new rules. Amended: To request frequency **42060 kc.**

W10XAI—National Broadcasting Co., Inc., Portable-Mobile, area of New York.—Construction permit to make changes in equipment and increase power from 1 to 2 watts.

W10XDX—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for changes in equipment and increase in power from 1 to 2 watts.

W10XDY—National Broadcasting Co., Inc., Portable-Mobile, area of Washington, D. C.—Construction permit for changes in equipment and increase power from 1 to 2 watts.

W10XDZ—National Broadcasting Co., Inc., Portable-Mobile, area of Washington, D. C.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W10XGC—National Broadcasting Co., Inc., Mobile, New York.—Construction permit for equipment changes and decrease power from 30 to 25 watts and add A1 and A2 emission.

W10XAX—National Broadcasting Co., Inc., Portable-Mobile, area of Cleveland, Ohio.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W10XCG—National Broadcasting Co., Inc., Mobile, area of Cleveland, Ohio.—Construction permit for equipment changes, and increase power from 25 watts to 50 watts.

W10XAK—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W9XDW—National Broadcasting Co., Inc., Portable-Mobile, area of Denver, Colo.—Construction permit for equipment changes and increase in power from 1 to 2 watts.

W10XEA—National Broadcasting Co., Inc., Portable-Mobile, area San Francisco, Calif.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W10XEB—National Broadcasting Co., Inc., Portable-Mobile, area San Francisco, Calif.—Construction permit for equipment changes and increase in power from 1 to 2 watts.

W9XDU—National Broadcasting Co., Inc., Portable-Mobile, area of Denver, Colo.—Construction permit for equipment changes and increase power from 1 to 2 watts.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for new television broadcast station on **42000-56000 kc.**, power 1000 watts for visual and aural, Emission A3, A4. Amended: To request **50000-56000 kc.**

NEW—The May Dept. Stores Co., Los Angeles, Calif.—Construction permit for new television broadcast station on **50000-56000** or **66000-72000 kc.**, power 1000 watts, Emission A3, A5. Amended: To request **66000-72000 kc.**

NEW—Television Productions, Inc., Los Angeles, Calif.—Construction permit for new television broadcast station on **66000-72000 kc.**, power 1000 watts both visual and aural, Emission A3, A5 and special.

NEW—World Peace Foundation, Abraham Dinneweg, Jr., Oakland, Calif.—Construction permit for a new developmental broadcast station on **1614, 3492.5, 6425, 12862.5, 23100, 30100, 2398, 4797.5, 8655, 17310, 26000, 33100, 37100, 40100, 86000, 100000, 200000, 300000, 400000, 401000** and above, 5 KW, A3 Emission. Amended: To request frequencies **1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc.**, 250 watts power.

NEW—Don Lee Broadcasting System, San Francisco or immediate vicinity.—Construction permit for a new broadcast television station on **42000-56000 kc.**, 1 KW for aural and visual, A3, A4 and special Emission. Amended to request **44000-50000 kc.**

WAHM—WLBG, Inc., Portable-Mobile.—License to cover C. P. (B2-PRY-160) for new relay station and change corporate name to Richmond Radio Corp.

NEW—Winona Radio Service (A partnership composed of M. H. White & H. R. Wiecking), Portable-Mobile.—Construction permit for a new relay broadcast station on **1646, 2090, 2190, 2830 kc.**, power 20 watts, A3 Emission.

WNEI—Indianapolis Power and Light Co., Mobile.—Voluntary assignment of construction permit (B4-PRY-157) to WBFM, Inc.

WIEW—National Broadcasting Co., Inc., Mobile.—License to cover C. P. (B1-PRY-172) for new transmitter and increase in power from 20 to 25 watts.

W2XH—General Electric Co., Schenectady, N. Y.—Modification of license for change in frequencies from **42000-56000** to **288000-294000 kc.**

KWKH—International Broadcasting Corp., Shreveport, La.—Extension special experimental authority to operate unlimited time on **1100 kc.**, using directional antenna for night use with power of 10 KW, period 8-1-39 to 2-1-40.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Hair and Felt Company and its subsidiary, Clinton Carpet Company, both of 222 West North Bank Drive, Chicago, are charged in a complaint with misrepresentation in the sale of hair underlays or cushions for rugs and carpets.

The respondents are alleged to advertise to the effect that underlays not composed wholly of hair but of jute or like materials will not withstand ordinary usage; that such underlays will become lumpy; that they will disintegrate in dry air and be ruined in moist air, and that they will cause a rug to wear out sooner than would be the case if no cushion at all were used.

The complaint alleges that in fact jute or jute mixed rug cushions satisfactorily meet the needs for which they are sold and that the respondents' representations are misleading and in violation of the Federal Trade Commission Act. (3822)

Clinton Carpet Company—See American Hair & Felt Company.

Douglas Candy Co., St. Joseph, Mo., is charged in a complaint with use of games of chance and lottery schemes in the sale and distribution of candy to ultimate consumers.

Push cards and punch boards are alleged to be shipped by the respondent to jobbers and wholesale dealers, who in turn assemble the gambling devices and candy into assortments for sale to retail dealers. Sale of the candy to consumers, the complaint charges, is made in accordance with instructions also distributed by the respondent, and the receipt of additional bars of candy is determined wholly by lot or chance. (3817)

Sprague-Kitchen & Company—A complaint has been issued charging Mary Eloise Gauss, trading as Sprague-Kitchen & Co., 4254 North Hermitage Ave., Chicago, with misleadingly representing that "Graolene," a cosmetic preparation for the scalp and hair, is not a dye; that, when applied to gray hair, it will bring about a change of color without dyeing, and that use of the preparation will restore the original natural color to gray hair. The complaint alleges that "Graolene" is a lead sulphur dye; that it will not accomplish the results claimed and may be injurious in effect. (3821)

STIPULATIONS

The Commission has entered into the following stipulations:

Bewley Mills, Fort Worth, Texas, agrees to cease and desist from representing that use of its Red Anchor feeds is a sure way to get maximum production, more vitality or lower mortality; that use of Red Anchor Egg Mash will mean more eggs at less cost, or, when fed along with Bewley's Hen Scratch, will keep the flock's health constantly at the highest level, or that use of the feeds will attain maximum results, unless it is clearly stated that such results can be expected or obtained only when other essential elements such as proper housing, cleanliness, care, water, air, etc., are provided. Bewley Mills also agrees not to cause to be published any testimonials containing representations contrary to the foregoing agreement. (02389)

Botay Laboratories—Estelle Adler Erlan and I. Mathew Berk, copartners trading as Botay Laboratories, 56 West 45th St., New York, have intered into a stipulation to discontinue misrepresentations in the sale of a cosmetic preparation designated "Face Line Oil."

The respondents agree to desist from representing directly or by implication that the use of this product will have any effect upon the "lines" or the wrinkles of the skin or in preventing their formation, or that their product contains any substance or factor necessary for the skin designated by the symbol "Vitamin F," and will also discontinue use of the term "Face Line" or the designation "Vitamin F" or any similar terms to designate their product. They admit there is no evidence of the existence in their product of the factors designated "Vitamin F." (02386)

General Laboratories, Philadelphia, Pa., agrees to cease representing that B-K Powder and B-K Liquid kill germs causing diseases, safeguard poultry from roup and other deadly winter diseases, and harm nothing but germs, and that either of the products will keep hens healthy, is a perfect relief for poultry diseases and is safe for baby chicks, and is not a poison, unless qualified by the statement "when used as directed" or similar words. The respondent also agrees not to publish or cause to be published testimonials containing representations contrary to the agreement. (02387)

Griffin Manufacturing Company, Inc., 410 Willoughby Ave., Brooklyn, has entered into a stipulation to discontinue misleading representations in the sale of shoe polishes designated "Griffin A.B.C. Wax Polish" and "Griffin A.B.C. Liquid Wax Polish" and a white shoe dressing, "Griffin Allwite."

The respondent corporation will discontinue representing that its wax polishes are waterproof under all conditions of use; that they give brighter and longer lasting shines than any other brand or are superior to all other brands, unless such statements are substantiated by competent comparative tests. (02388)

National Institute of Technology—Misleading claims concerning the ownership and operation of an amateur radio station in connection with the sale of correspondence courses in "electronic engineering," will be discontinued by a Minneapolis concern under a stipulation.

Thomas J. Casey, trading as National Institute of Technology, agrees to discontinue using printed or oral representations tending to convey the idea that his school owns, operates and controls amateur Radio Station W9VXZ, Minneapolis, or any other radio station for its curricular purposes; that use of that or any other station or call number may be available to unlicensed students for practice and operation, or, inferentially or otherwise, that his school has the authority to operate or control the operation of the transmitting equipment of an amateur radio station even though it may own such equipment.

The stipulation recites that the respondent, in selling trade school courses for radio operators and mechanics, extensively featured W9VXZ as a part of the school's operating equipment; that he personally operated the station for the school's commercial purposes, seeking to make contacts with radio broadcasting studios throughout the country in an effort to procure paying jobs for his students; and that this was contrary to Federal Communications Commission regulations that amateur stations shall not be used commercially and that amateur licenses are not issued to schools or their representatives or to amateur radio societies if their names advertise business concerns or commercial schools.

The facts are, according to the stipulation, that the call number W9VXZ is not the property of the school as represented and implied, but is assigned in a license to Raymond O. Overby as trustee for the National Institute of Technology Radio Club, an amateur radio society, upon a showing made by him of control of proper transmitting apparatus and of the station premises.

The respondent agreed to cease use of the words "Institute" and "Technology" in his trade name or in any manner as applied to his school or any affiliated radio club or society; or the use of any similar designation the effect of which is to convey the belief that the school is equipped to give technological courses or instruction other than trade or vocational, or that either school or club is an institution for the promotion of learning, philosophy, art or science, or is a national association of technologists.

Among other representations to be discontinued are overstatements of actual earning power or probable salaries and future security of graduates and students; representations implying that the respondent is in a position to offer employment to his graduates; and implications that persons lacking in proper education, experience or aptitude can become competent electronic or radio men by taking the respondent's course; that the school is equipped to supply competent engineers; that "some of the best engineers in this country" collaborated in preparing the course; that a certificate issued by the school is a diploma; that a fictitious price for the course is the actual price, and that the school occupies the whole of a building depicted when in fact it occupies part of one floor. (2482)

Roberti Brothers, Inc., Los Angeles, manufacturers and distributors of furniture, mattresses and bed springs, have entered into a stipulation to desist from offering for sale or supplying customers with products bearing what purport to be the retail selling prices of the products, when in fact they are not the regular retail selling prices but are in excess of the prices at which the products are customarily offered for sale and sold in the usual course of retail trade. (2481)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Eastern Trading Company—Henry O. Harr, trading as Eastern Trading Company, 3974 Vincennes Ave., Chicago, has been ordered to cease and desist from representing that incense distributed by him has magical powers.

The respondent is forbidden to further represent that the incense distributed by him possesses mystical charms; that "lucky numbers" which appear in the ashes of the incense are the keys to one's fortune or have any significance or meaning whatever. (3432)

F & F Laboratories, Inc., 3501 West 48th Place, Chicago, has been ordered to discontinue representing that F & F Cough Syrup and F & F Lozenges or any preparation having similar ingredients or therapeutic properties, whether sold under those or other names, are a cure or remedy for coughs, colds or throat irritations, or constitute a competent treatment therefor. It was found that the respondent's preparations were valuable only in giving temporary palliative relief from symptoms of throat irritations and simple colds. (3727)

Lincoln Locker Corporation, Pocahontas, Iowa, has been served with an order requiring it to cease and desist from misleading representations in the sale of cold storage lockers designated "Lincoln Louvred Lockers," which are separate compartments, individually locked, and may be installed in cold storage warehouses for leasing to individual patrons for storing and preserving perishable foodstuffs.

Under the order the respondent is directed to cease representing that its cold storage lockers are made of copper or copper alloy galvanized sheet metal or rust-proof copper alloy steel, or 22-gauge copper alloy sheet. The Commission's findings are that they contain no copper or copper alloy metal, but are made of galvanized sheet steel; that there is a public preference for lockers composed of copper or copper alloy steel as compared to those composed of galvanized sheet steel but that in fact there is little difference in the two metals so far as rust-resistant qualities are concerned. (3345)

Standard Brands of California—See Standard Brands, Inc.

Standard Brands, Incorporated, New York, and its subsidiary, Standard Brands of California, San Francisco, have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act.

These companies are the country's largest manufacturers of yeast, producing approximately 120,000,000 pounds a year or between 55 and 65 per cent of the national production. Through 444 distributing agencies their products reach practically every United States community.

The Commission found that the respondents' differentials in price in the sale of bakers' yeast were not based on the quantities actually purchased by customers, but upon their estimated monthly requirements from all manufacturers, whether purchased from the respondents or from others.

The order prohibits price discrimination between different purchasers of bakers' yeast of like grade and quality by sales at different prices based on the total quantity or volume purchased (whether from the respondents or from any other source) over a period of time by the respective purchasers, where the effect may be to unjustifiably injure competition. (2986)

Zephyr Radio Company—Orville J. Bond, trading as Zephyr Radio Company, Highland Park (Detroit), Mich., has been ordered to cease and desist from representing that radio sets distributed by him will give world-wide reception.

In magazines and newspapers the respondent is alleged to have advertised as follows: "Get politics, news, music, market and weather reports on a new Zephyr world-wide, all electric, battery or auto radio. All latest improvements."

Findings of the Commission are that the "Zephyr" radio receiving set advertised to sell at $6.95 is a complete radio set with all working parts and aerial designed as a local receiver primarily for reception in a radius not over 100 miles and will not give world-wide reception; that "world-wide reception" as applied to radio means that a radio is capable of picking up signals transmitted from the major continents of the world and that the respondent's radio receiving set is not capable of picking up signals from the major continents of the world, nor even from remote places on this continent.

The respondent is ordered to cease and desist from representing that the radio set sold under the name of "Zephyr Radio Receiving Set" or any other radio receiving set similarly constructed, will give world-wide reception or that such a set will receive programs broadcast from all continents. (3294)

FTC DISMISSES CASE

The Federal Trade Commission has dismissed a complaint charging Duro-Test Corporation, 583 Broadway, New York, with unfair competition in the sale of incandescent lamps. Dismissal was ordered because it appeared the allegations of the complaint had not been sustained.

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 26, June 30, 1939

Advance Convention Reservations Break Record

The seventeenth annual convention of the NAB, and the first since its reorganization, has attracted the largest number of advance registrations in the association's history.

While many and diverse subjects will be considered by the broadcasters, two stand out in importance: the report of the Code Committee and the report of the Copyright Committee.

The convention will be addressed by Carl Milliken, secretary of the Motion Picture Producers and Distributors of America, Inc., who for the past seventeen years has been in charge of the motion picture industry's code of self-regulation. Elmer F. Andrews, Wage and Hour Administrator, will address the convention on Wednesday morning, as will Dr. John W. Studebaker, U. S. Commissioner of Education; and Orrin Dunlap, radio editor of the *New York Times.*

Though the convention does not officially convene until Tuesday morning, July 11, meetings and social activities will begin on Sunday morning, July 9. On Sunday, also, the Board of Directors will hold a dinner meeting; and at two o'clock the Research Committee will hold a pre-convention meeting. The annual golf tournament will begin at ten-thirty, Sunday morning.

Group meetings of the clear channel stations, the local channel stations, and the National Association of Regional Broadcast Stations, will be held Monday morning. In the afternoon, the IRNA group and the National Committee of Independent Broadcasters will meet. Later in the afternoon there will be a demonstration of television, followed by a discussion of radio engineering problems by John V. L. Hogan, chairman of the NAB Engineering Committee.

The Bureau of Radio Advertising will hold a luncheon on Monday in conjunction with the NAB Sales Managers' group. Luncheon will be followed by a report on sales

(Continued on page 3566)

Make Your Reservations Now to Attend the Seventeenth Annual NAB Convention

Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

ADVANCE CONVENTION RESERVATIONS BREAK RECORD

(Continued from page 3565)

management policies by Dr. Herman S. Hettinger, and a forum discussion of various sales problems.

The convention will be called to order at nine-thirty Tuesday morning. President Miller will make his annual report during the opening morning session. In the afternoon the Code Committee's report will be presented and discussed. This will be a closed membership meeting.

On Wednesday morning the addresses of Mr. Andrews, Dr. Studebaker and Mr. Dunlap will be made. Wednesday afternoon will be devoted to the report and discussion of the copyright committee. This meeting will be restricted to NAB members only.

The annual banquet will be at seven o'clock Wednesday evening. During the latter portion of the evening President Neville Miller will participate in a discussion of "The Three Mirrors of America—The Press, the Motion Picture, the Radio," with Will Hays, president of the Motion Picture Producers and Distributors of America, Inc., and James G. Stahlman, ex-president of the American Newspaper Publishers Association.

It is anticipated that the convention will adjourn Thursday. On the Thursday schedule are: reports from Committees and discussions of same; a brief address by Joseph Marty, executive secretary of the Radio Servicemen of America, on "The Missing Link in Broadcasting"; the election of the six new directors; adoption of resolutions; a wind-up of unfinished business and adjournment. On Thursday afternoon at two P. M. the new Board of Directors will hold its first meeting.

Convention arrangements are being supervised by Edwin M. Spence, Secretary-Treasurer; the convention program agenda by Ed Kirby, Director of Public Relations, and Paul Peter, Director of Research. Press relations will be handled by Joseph L. Miller, Director of Labor Relations.

Members are asked to register as early as possible.

Special activities and entertainment have been arranged for the ladies.

FCC Postpones "Censorship" Hearing to July 14

The FCC this week postponed from July 12 to July 14 a hearing on its "censorship" rule for international broadcast stations.

The rule would require these stations to "render only an international broadcast service which will reflect the culture of this country and which will promote international good-will, understanding and cooperation".

Both the NAB and the American Civil Liberties Union requested a hearing before this rule went into effect. The Commission granted the Civil Liberties Union's petition.

Adoption of the rule had its repercussions in both a committee hearing and floor debate on the 1939-40 appropriation for the Commission. In a House appropriation sub-committee hearing, Representative O'Neal (D-Ky) asked Thad H. Brown, acting FCC chairman, whether there was anything in the budget "calling for funds to enforce such a regulation as that?"

Mr. Brown: "I do not believe there is."

Mr. Dempsey: "There is no specific appropriation attached to any regulation."

Mr. O'Neal: "I want to say, Mr. Chairman, that I will never vote for a dime's worth of appropriation for any such un-American doctrine as that. If they can do it internationally, they can do it nationally. And if there is one item for enforcement of that regulation, I want to register my protest against it."

Later, Representative Wigglesworth (R-Mass) asked whether the Commission considered it "has the right and should exercise power of censorship over programs" either domestic or international.

Mr. Brown replied: "Speaking for the Commission, I am quite sure that every member of the Commission does not consider that it has any right of censorship either domestically or internationally. The statute definitely prohibits censorship. * * * In my judgment there is no censorship whatever involved in that language" (in the international rule).

During debate on the House floor, Representative Dirksen (R-Ill) introduced an amendment to the Appropriations Bill that "no part of this appropriation shall be available for the effectuation and enforcement of the Commission order of May 23, 1939, relating to international shortwave broadcasting". "It is so easy to translate that kind of authority, and that kind of criticism and that kind of restriction from the international field to the national field," he said.

Representative Woodrum (D-Va), chairman of the subcommittee in charge of the bill, said he "quite agreed that this matter should have legislative attention" but that "we cannot undertake, in the consideration of an emergency effenciency matter, to renew the rules and regulations of the FCC and undertake to write it into the law".

The Dirksen amendment was rejected, 43 to 27.

NAB COPYRIGHT COMMITTEE TO MEET JULY 10 IN ATLANTIC CITY

The entire NAB copyright committee will meet Monday, July 10, at 8 p. m. at the Ambassador Hotel, Atlantic City, to receive a report from the negotiating subcommittee and to discuss the situation.

The negotiating subcommittee met with ASCAP officials on June 26 in New York. After considerable discussion of the various phases of the question, the meeting was recessed until Thursday, July 6.

240 STATIONS OPERATE IN RED LAST YEAR, FCC SAYS

The FCC has released a series of tables covering the economic status of broadcast licensees for the year 1938. The data was compiled by the Accounting, Statistical and Tariff Department of the Commission from information supplied by the licensees on Forms 705 and 706.

The tables show that there were 764 licenses and construction permits outstanding at the end of the year, classified as follows:

660	station reports used in the tabulations
40	construction permits
38	non-commercial stations
12	located in territories
14	not used because of defects in reporting
764	Total

The 660 stations reported in the tabulation include 240 stations from which not enough revenue was derived during the year to pay their actual expenses, including depreciation. Those 240 stations showed losses in the aggregate amounting to $2,223,195. The 419 stations reporting profits showed broadcast income of $16,728,533. One station reported neither a profit nor a loss for the year.

The tabulations include 175 stations each of whose time sales were less than $25,000. As a group these 175 stations showed a loss, their aggregate broadcast revenues being $2,520,026 and their aggregate expenses (inclusive of depreciation, taxes other than income taxes, etc.) $2,870,729. However, certain of these stations showed a profit.

Other compilations from the reports show that 658 of the stations and networks had a payroll for the year amounting to $45,663,757. Of this amount, $4,239,470 was paid to officers of the licensee companies. As of December 31, 1938, these stations and networks employed a total of 23,060 persons, including staff musicians and other artists on the regular payroll.

During the week beginning December 11, 1938, there were 18,359 full-time employees with a total payroll for the week amounting to $830,003. During the same week there were 4,377 part-time employees, drawing a total for the week in the amount of $103,134. The average compensation for the week beginning December 11 was $45.20 (18,359 employees), compared with $45.12 (17,085 employees) for the week beginning March 6, 1938. For part-time employees, the average compensation was $23.55 (4,377 employees) for the week beginning December 11, 1938, compared with $18.97 (5,820 employees) for the week beginning March 6, 1938.

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The tables as released by the Commission are in summary form and represent generally the information included in the tables released on June 6, 1938, for the year 1937. Those tables include balance sheets for the major networks and for the industry as a whole.

FCC ADOPTS NEW RULES FOR BROADCASTING

The FCC has approved new Rules and Regulations governing Standard Broadcast Stations. The new rules become effective on August 1, 1939, except as otherwise provided in the terms of the individual sections. Not yet printed, the new rules will be distributed as soon as they are received.

Hearings on the proposed new rules and regulations were held from June 6 to June 30, 1938, before a Committee composed of Commissioners Case (Chairman), Craven and Payne. The new rules are the outgrowth of these hearings and the recent report on Rules and Standards of Good Engineering Practice concerning Standard Broadcast Stations which was released in two parts, the first appearing January 18, 1939, and the second, April 7, 1939. Oral Argument on these Rules and Standards was held before the Commission on June 1, 1939.

The recommendation in the report of the Committee for the adoption of these Rules and Regulations and Standards of Good Engineering Practice was, with a few modifications, unanimously approved by the Commission.

The new rules and regulations contain several new provisions, as well as numerous changes and clarifications necessary due to progress in the art since the original rules governing standard broadcast stations were promulgated some 10 years ago.

Under the new rules, the license period of Standard Broadcast Stations is increased from six months to one year. The FCC says that the instability created by the delay of Mexico in ratifying the North American Regional Broadcasting Agreement was a factor in its decision not to extend the license period of broadcast stations to a term greater than one year at this time. Under the Communications Act of 1934 the Commission is empowered to grant licenses for any period up to three years.

The new regulations change the classes of stations from Clear Channel, Regional, and Local, to Class I, Class II, Class III and Class IV. The Class II station is a new class recognized for duplicate operation on clear channels for the purpose of extending urban service.

The new rules permit the increase of the maximum night power of Class III stations to 5000 watts and the maximum night power of Class IV stations to 250 watts. The present night power limitation on these stations is 1000 watts and 100 watts, respectively.

The number of clear channels allocated for the exclusive use of stations at night, under the new regulations, is reduced from 40 to 26, and in addition, 18 clear channels are made available for duplicate operation either of Class I stations or Class I and Class II stations.

In view of the uncertainty in regard to the North American Agreement the Commission deemed it inadvisable to reduce the number of unduplicated clear channels at this time to less than 26. However, the provisions for the allocation of frequencies follow closely, but do not duplicate, those enumerated in the North American Regional Broadcasting Agreement. In general the new rules are designed to extend and improve broadcast service in the United States through an increase in signal in urban areas and an increase in coverage in rural areas.

The Commission feels that the new Rules and Regulations, together with the Standards of Good Engineering Practice, are a distinct contribution to the science and art of radio. Drawn up with the cooperation of the industry and the foremost radio engineers in the country, the FCC says the new rules and standards give to the people of the United States and its possessions the technical basis for the finest radio service in the world. The advantages of this service, however, cannot be fully realized until the North American Regional Broadcasting Agreement is ratified and made effective, the FCC says.

AD BUREAU TO BE DISCUSSED AT LUNCHEON JULY 10

Headquarters would like to call to the attention of all members the Bureau of Radio Advertising luncheon to be given in conjunction with the Sales Managers' Committee meeting in Atlantic City on July 10. At this meeting the foundation for the new Bureau will be laid. In addition, there will be a report made by Dr. Herman S. Hettinger of his recent survey on sales management policies of radio stations.

This will be followed by a forum discussion of various sales problems. Included in the agenda are: (1) Is there any "audience measurement yardstick" we can all follow? (2) The most effective selling methods used on department stores, clothing stores, banks, insurance companies, ready-to-wear stores. (3) What can we do to get more manufacturers in all lines to do cooperative radio advertising with local stores such as they do with newspaper and direct mail. (4) Effective sales promotion ideas in the local and national field. (5) How to increase billings to chains in dry goods, foods, drug, clothing and other lines. (6) Successful methods of selling Union musical talent to make the A. F. of M. contracts as profitable as possible to the station.

FCC APPROPRIATION APPROVED

The Senate and House have passed the third deficiency bill including an appropriation of $1,838,175 for the coming year for the Federal Communications Commission. The Commission this year had an appropriation of $1,700,000 and asked for $2,000,000. Included in the total is $1,800,000 for regular expenses with an extra $25,000 for printing and binding and $13,175 for miscellaneous expenses.

WALKER FAVORABLY REPORTED

Paul A. Walker, who early this week was renominated a member of the Federal Communications Commission for a seven-year period from July 1 by the President, was favorably reported by the Senate Committee on Interstate Commerce. It is expected that he will be confirmed by the Senate shortly.

Mr. Walker was born in 1881 and graduated from the University of Chicago and the Law Department of the University of Oklahoma. He was a school principal and later a member of the faculty of the University of Oklahoma. He practiced law for several years and for more than 15 years was connected with the State Corporation Commission of Oklahoma, serving as Counselor and Commissioner. Mr. Walker was also employed in a number of public utility and railroad rate investigations and acted as Chairman of the Committee of the FCC which investigated the telephone companies.

TELEVISION REPORT ADOPTED

The FCC on Tuesday unanimously adopted the report of the Television Committee and directed the committee to continue its work. The report of the committee was printed in NAB Reports.

NEW LEGISLATION

CONGRESS

H. R. 6973 (Mr. Lea, D.-Calif.) GOVERNMENT RADIO STATIONS—Same as S. 2611. Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed $30,000. Referred to Committee on Interstate and Foreign Commerce.

S. 2689 (Senator Bone, D.-Wash.) COPYRIGHT—To amend Section 33 of Copyright Act with respect to rules covering importation of copyrighted items. Referred to Committee on Patents.

H. Res. 234 (Mr. Larrabee, D.-Ind.) FEDERAL COMMUNICATIONS COMMISSION—To authorize the FCC to take steps to provide an adequate method to obtain data and information necessary to determine the effects of power in excess of 50 kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than 50 kilowatts for such experimental operation as may be necessary. Referred to Committee on Interstate and Foreign Commerce.

STATE LEGISLATION

WISCONSIN:

S. 528 (Peters) COPYRIGHTS—To create (g), (h) and (i) of Section (2) and subsection (3m) and (3n) of Section 177.01, 177.02 and 177.03 of the statutes, relating to copyrighted compositions. Referred to Judiciary Committee.

SESAC ADDITION

SESAC has notified its licensees that it has added the catalogue of Alberto Colombo, Hollywood, Calif.

LABOR BOARD CONFIRMS SETTLEMENT IN WIOD CASE

The National Labor Relations Board has made an order based upon a stipulation requiring Isle of Dreams Broadcasting Corporation and Miami Daily News, Inc., Miami, Florida, to bargain, upon request, with the American Federation of Radio Artists (A. of F. L.).

The stipulated order also provided for reinstatement with a payment of $500 to Earle Barr Hanson, an employee who had been discharged.

Charges of unfair labor practices against the companies were filed by the AFL radio artists' union. A hearing on the charges was held in Miami on May 11-13, 1939.

CONVENTION MEETING SCHEDULE

Saturday, July 8, 10 a. m.—Program Standards Committee.
Sunday, July 9, 2 p. m.—Research Committee.
Sunday, July 9, 7 p. m.—Board of Directors.
Monday, July 10, 8.30 a. m.—Newspaper Owned Stations, breakfast meeting, Walter Damm, presiding.
Monday, July 10, 10 a. m.—National Association of Regional Broadcast Stations, John Shepard, presiding.
Monday, July 10, 10.30 a. m.—Clear Channel Group, Edwin W. Craig, presiding.
Thursday, July 13, 2 p. m.—Board of Directors, meeting to organize new Board.

Details of other group meetings in session Monday, July 10, will be found in convention program and on official bulletin Board.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission in a Proposed Findings of Fact proposes to deny the application of WMFF, **Plattsburg, New York,** to permit it to install a new transmitter, to make changes in its antenna system, to change its transmitter site, and to operate on **1240 kilocycles** instead of **1310 kilocycles,** and to increase its power from 100 watts night, 250 watts day, unlimited time, to 1000 watts employing directional antenna at night.

The Commission in a Proposed Findings of Fact proposes to grant the application of the Mutual Broadcasting System, Inc., **Chicago, Illinois,** for renewal of its permit to transmit programs to broadcast stations in Canada.

In a further Proposed Findings of Fact the Commission proposes to grant the application of the Greater New York Broadcasting Corporation for a license to operate a station in **New York City** on **1100 kilocycles,** 5000 watts, unlimited time. WPG, **Atlantic City,** which now operates on that frequency with 5000 watts and shares time with WBIL of New York City, will cease operation in Atlantic City, and WOV, New York City, now operating on **1130 kilocycles** with 1000 watts will also cease operation and instead a station will operate in New York City on **1100 kilocycles,** 5000 watts, unlimited time.

The Commission in a Proposed Findings of Fact proposes to deny the application of the Pee Dee Broadcasting Corporation for a new station at **Florence, South Carolina,** to operate on **1200 kilocycles,** 100 watts night, 250 watts day, unlimited time, and proposed to grant the application of WOLS, Florence, South Carolina, to change its hours of operation from daytime to unlimited and has granted the application of the same station for license renewal.

DECISIONS OF COMMISSION

The Federal Communications Commission in a decision has granted the application of KSAM, **Huntsville, Texas,** to increase its daytime power from 100 watts to 250 watts on **1500 kilocycles** "upon the express condition that the station's transmitting equipment shall comply with the requirements of Rules 132 and 139 of the Commission."

The application of KOBH, **Rapid City, South Dakota,** for voluntary assignment of the station's license from the Black Hills Broadcast Company to Black Hills Broadcast Company of Rapid City, and renewal of the station's license has been granted by the Commission. The station operates on **1370 kilocycles,** 100 watts night, 250 watts day, unlimited time.

The Commission has granted the application of KSAL, **Salina, Kansas,** to use **1120 kilocycles,** 500 watts night, 1000 watts LS, unlimited time, using a directional antenna at night, and subject to specific provisions.

The application of Panama City Broadcasting Company for the erection of a new station at **Panama City, Florida,** to use **1200 kilocycles,** 250 watts day, 100 watts night, unlimited time, has been granted by the Commission.

The Commission also granted the application of the Bowling Green Broadcasting Company for the erection of a new station at **Bowling Green, Kentucky,** to use **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The Commission has also granted the application of the Westchester Broadcasting Corporation, licensee of Station WFAS, **White Plains, New York,** for transfer of control of station from Selma Seitz, transferor, to Valentine E. Macy, Jr., and J. Noel Macy, transferees. The station operates on **1210 kilocycles,** 100 watts, and shares time equally with Stations WGBB and WERB.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The next regular meeting of the Commission will be held on July 12.

The following hearings are scheduled before the Commission in broadcast cases beginning the week of July 3. They are subject to change.

Wednesday, July 5

Further Hearing

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—C. P., **1390 kc.,** 1 KW, unlimited time (DA day and night).

Thursday, July 6

Further Hearing

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.,** 1 KW, 1 KW LS, unlimited except from 8 to 9 p. m. Monday. Present assignment: **1120 kc.,** 500 watts, unlimited except 8 to 9 p. m. Monday.

WAPO—W. A. Patterson, Chattanooga, Tenn.—C. P., **1120 kc.,** 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 12

International Broadcast

5653—In re: Section 42.03 (a) pertaining to International Broadcast Service.

July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1420 kc.,** 100 watts, daytime.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—North Shore Broadcasting Co., Salem, Mass.—C. P., **1200 kc.,** 100 watts, unlimited time.

July 24

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.,** 100 watts, specified hours.

September 12

NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., **1230 kc.,** 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WCAU—WCAU Broadcasting Co. (a corporation of State of New Jersey), Philadelphia, Pa.—Granted consent of voluntary assignment of licenses for broadcast station WCAU and international broadcast station W3XAU, high frequency broadcast W3XIR, and relay stations W3XEO and W3XHW, from WCAU Broadcasting Company, a New Jersey corporation, to WCAU Broadcasting Company, a corporation of the State of Pennsylvania.

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted renewal of license for period July 1, 1939, to January 1, 1940.

WBBZ—Adelaide Lillian Carrell, Executrix of Estate of Charles Lewis Carrell, deceased, Ponca City, Okla.—Granted renewal of license for the period ending December 1, 1939.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WABI—Community Broadcasting Service, Bangor, Maine.—C. P. to install new equipment and DA system and change frequency from **1200 kc.** to **560 kc.,** and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited, employing DA system for nighttime operation. Application designated for hearing in order to determine question of possible interference.

NEW—The Gazette Company, Cedar Rapids, Iowa.—Application amended so as to request C. P. for new station to operate on **1420 kc.,** 100 watts, unlimited time. Application designated for hearing in order to determine question of possible interference.

WPRP—Julio M. Conesa, Ponce, P. R.—C. P. to make changes in composite equipment; change frequency from **1420 kc.** to **1480 kc.;** increase power and time of operation from 100 watts night, 250 watts day, S.H., to 5 KW, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval. Designated for hearing because pending applications involve increase in service.

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Application for renewal of license designated for hearing because of pendency of application of Arthur Faske requesting facilities of WWRL, and to determine whether public interest, convenience and necessity would be better served by granting this application than by granting that portion of the application of Arthur Faske for modification of license which seeks the WWRL facilities. Temporary license granted pending outcome of hearing.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of C. P. to move station to Council Bluffs, Iowa, install DA system, and extend commencement date from April 15, 1939, to 30 days after grant, and completion date to 180 days thereafter. Application designated for hearing because pending applications involve increase in service and to determine the question of possible interference.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KBIX, Muskogee, Okla.; KGLU, Safford, Ariz.; KRE, Berkeley, Calif.; KVRS, Rock Springs, Wyo.; KWBG, Hutchinson, Kans.; KXO, El Centro, Calif.; WMIN, St. Paul, Minn.; WOPI, Bristol, Tenn.; WRJN, Racine, Wis.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, but in no event longer than August 1, 1939:

KGIW, Alamosa, Colo.; KSAL, Salina, Kans.; KVGB, Great Bend, Kans.; WBNO, New Orleans, La.

Licenses for the following stations were further extended upon a temporary basis only, pending determination upon applications for renewal, but in no event longer than August 1, 1939:

KVNU, Logan, Utah; WBHP, Huntsville, Ala.; KBGU, Ketchikan, Alaska.

MISCELLANEOUS

The Commission has reconsidered its action taken on March 13 in setting for hearing in Allentown, Pa., the cases involving the voluntary assignment of license of station WCBA from B. Bryan Musselman to Lehigh Valley Broadcasting Company, a Pennsylvania corporation; and the voluntary assignment of license of station WSAN from WSAN, Inc., to Lehigh Valley Broadcasting Company. The Commission has unanimously granted these applications for assignment of licenses, cancelling the hearing heretofore scheduled.

NEW—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.,** 100 watts.

NEW—Columbia Broadcasting System, Inc., Cincinnati, Ohio, Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.,** 50 watts.

NEW—Winona Radio Service, Winona, Minn., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.,** 20 watts.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted C. P. to move old main transmitter to a new transmitter site; install former transmitter with power of 1 KW, employing DA system for both day and nighttime operation, for emergency use only.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator, and extension of commencement and completion dates.

WGHB—Florida West Coast Broadcasting Co., Inc., Tampa, Fla., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.,** 40 watts.

WIEW—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.,** 25 watts.

W8XAL—The Crosley Corp., Mason, Ohio.—Granted modification of C. P. to extend completion date to January 1, 1940.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. authorizing move in transmitter site, installation of new equipment and DA for day and nighttime operation; increase in power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; and extension of completion date to September 15, 1939.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WGBB from 4 to 5 p. m., EDST, on June 25, in order to broadcast Watch Tower Bible and Tract Society program.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to operate unlimited time on July 4, in order to broadcast programs of civic nature and patriotic interest in commemoration of the national holiday.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate unlimited time for the period July 1 to July 30 (provided WSVS remains silent), in order to broadcast programs as described in letter.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., EST, on June 26, in order to broadcast speeches to be made at Peninsula General Hospital Campaign Committee banquet, using 100 watts only.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied special temporary authority to operate unlimited time, with 1 KW, for the period June 27 to July 26, in order to broadcast civic, educational, etc., programs.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Denied special temporary authority to operate simultaneously with WAZL from 8:30 p. m., EDST, to the conclusion of National and American League team games on July 26, August 2, 8 and 16.

W9XXL—The Ashland Broadcasting Co., Ashland, Ky.—Granted special temporary authority to operate relay broadcast station on the frequencies **30820, 33740, 35820, 37980 kc.,** 10 watts, for the period June 20 to June 24, in connection with State Championship Golf Tournament play.

W2XBF—Wm. G. H. Finch, New York City.—Granted special temporary authority to operate experimental broadcast station on the frequencies **42260 kc.** in addition to the normal licensed frequencies, for the period July 1 to July 30, pending definite arrangements to be made in ultra high frequency bands.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to remain silent August 21, 28 and September 4, in order to observe summer vacation.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted motion for leave to file amendment to application for C. P. to request increase in power from 10 KW to 50 KW.

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—Denied, exceptions noted by counsel for petitioner, motion to dismiss respondent's (The Outlet Co., Providence) appearance in re application of Pawtucket Broadcasting Co.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted motion to take depositions in re application for C. P. to operate on **1200 kc.,** 100 watts night, 250 watts LS, unlimited time.

W9XUY—Central States Broadcasting Co., Omaha, Nebr.—Granted motion for leave to withdraw without prejudice application for renewal of high frequency broadcast station.

WOL—American Broadcasting Co., Washington, D. C.—Granted petition for postponement of hearing, now scheduled for July 10, 1939, until some time in September, on application of John F. Arrington, Jr., for a new station in Valdosta, Ga., to use **1230 kc.,** 250 watts day and night, unlimited time.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate from 8 to 10 p. m., CST, on June 23, in order to broadcast Chamber of Commerce State Highway Commission Banquet.

KOME—Harry Schwartz, Tulsa, Okla.—Denied special temporary authority to operate from 8:30 to 10:30 p. m., CST, for the period June 28 to July 27, in order to broadcast Texas League baseball games, using 100 watts only.

WPG—City of Atlantic City, N. J.—Granted special temporary authority to operate from 3:15 to 4:30 p. m., EST, on June 25, provided WBIL remains silent, in order to broadcast baseball games.

United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp., call letters KHAZT, as a relay broadcast station, on frequency **2790 kc.,** to relay broadcast program in connection with arrival Pacific Fleet and Golden Gate Exposition to station KPO and NBC Red Network, from 11:30 a. m. to noon, PST, on July 1.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (July 7:30

p. m., CST) to 11:05 p. m., using 100 watts, during month of July.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period June 23 to July 22, pending KWLC's compliance with Rule 131.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Present license extended for period of two months on a temporary basis only subject to whatever action may be taken upon pending application of this station for renewal of license, involving a possible violation of Section 310(b) of the Act.

W9XTA—Schonert Radio Service, Harrisburg, Ill.—Denied motion requesting that the Commission reconsider its action in designating for hearing the application for renewal of license of high frequency broadcast station W9XTA, and grant said application without hearing.

KVSO—Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Dismissed application for consent of the Commission to the transfer of control of the Ardmoreite Publishing Co., Inc., as satisfactory information relating to stock ownership has been furnished.

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Denied petition for amendment of final order adopted by the Commission on June 21, 1939.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—The Commission today vacated its action designating for hearing the application for C. P. to change existing television equipment, reduce the power of the station from 125 watts to 100 watts, and change frequency assignment from the **2000-2100 kc.** band to the **42,000-56,000 kc.** band. Said application will be treated as an original C. P. and re-routed through the departments of the Commission for further consideration.

WHA—University of Wisconsin, Madison, Wis.—Continued hearing now scheduled for July 31 to September 11, 1939.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Continued hearing now scheduled for July 31 to September 11, 1939.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Continued hearing now scheduled for July 31 to September 11, 1939.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Granted special temporary authority to operate ship radio station transmitter licensed to Victor E. Dalton, WCEE, as a relay broadcast station on **2790 kc.**, with power of 60 watts on July 4, in order to relay broadcast of start of Transpacific Yacht Race from San Francisco Bay, to be broadcast by radio station KMTR.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate relay broadcast experimental stations on frequency **31220 kc.** pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service, for a period not to exceed 30 days.

APPLICATIONS FILED AT FCC

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to install new transmitter; increase power from 5 to 10 KW; increase hours of operation from limited to unlimited time, using directional antenna at night. Amended to request 50 KW power, and make changes in equipment.

1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of license to change hours of operation from unlimited except 8 to 9 p. m. Mondays, to unlimited. Request facilities of station WTAW.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to make changes in hours of operation by releasing time from 8 to 9 p. m. Mondays.

1130 Kilocycles

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Construction permit to install new transmitter.

1210 Kilocycles

KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show, Provo, Utah.—Modification of construction permit B5-P-2044, for new station requesting approval of antenna, and studio site at 44 W. Center St., Provo, Utah, and transmitter site at 3rd South and 16th West, Provo, Utah.

1310 Kilocycles

WSAV—Arthur Lucas, Savannah, Ga.—Voluntary assignment of construction permit B3-P-1714, from Arthur Lucas to WSAV, Inc.

KHUB—John P. Scripps, Watsonville, Calif.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts night and 250 watts day power.

1370 Kilocycles

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Construction permit for changes in transmitting equipment. Amended re equipment.

1420 Kilocycles

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of construction permit B2-P-1727 as modified for a new station, requesting extension of completion date from 7-28-39 to 9-27-39.

WJMS—WJMS, Inc., Ironwood, Mich.—Construction permit for equipment changes and increase in power from 100 watts to 100 watts night, 250 watts day.

MISCELLANEOUS

W1XO—Travelers Broadcasting Service Corporation, Mobile, area Connecticut.—Construction permit for changes in equipment; decrease in power from 50 to 25 watts; specify frequencies **31220, 35620, 37020, 39260 kc.**, in accordance with new rules.

NEW—The Travelers Broadcasting Service Corporation, Portable-Mobile, area of Hartford, Conn.—Construction permit for a new relay broadcast station on **31220, 35620, 37020, 39260 kc.**, power 0.2 watts, A-3 emission.

NEW—WIBX, Inc., Portable-Mobile, area of Utica, N. Y.—Construction permit for a new relay broadcast station on frequencies **1622, 2058, 2150** and **2790 kc.**, 50 watts power, A-3 emission.

W1XA—General Electric Co., Bridgeport, Conn.—License to cover construction permit (B1-PVB-12). Amended to specify frequencies **66000-72000 kc.**

W9XC—Central Broadcasting Co., near Mitchelville, Iowa.—Modification of construction permit B4-PEX-23 for extension of completion date from 6-18-39 to 9-18-39.

W9XAI—The Journal Co. (Milwaukee Journal), Milwaukee, Wis., Portable-Mobile.—Construction permit for changes in equipment and decrease power from 50 to 25 watts, specify frequencies **30820, 33740, 35820, 37980 kc.**, in accordance with new rules.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit for changes in equipment; increase power to 5 KW; request frequencies **44000-50000, 78000-84000** and **102000-108000 kc.**; and request waiver of Rule 43.13(b). Amended to request frequencies of **78000-84000 kc.**

NEW—Joseph N. Peckham, Auburn, N. Y.—Construction permit for a new television station at 23 E. Genesee St., Auburn, N. Y., on **42000-56000 kc.**, 100 watts power, Special emission. Amended to request **44000-50000 kc.**, A-3 and A-5 emission.

W2XWC—Kolorama Laboratories, Inc., Irvington, N. J.—Construction permit for change of location from Irvington, N. J., to Carlstadt, N. J. (Washington Ave. near Moonachie Ave.).

WDAC—University of Wisconsin, Portable-Mobile, vicinity of Madison, Wis.—License to cover construction permit B4-PRY-150.

KBTA—Red River Broadcasting Co., Inc., Portable-Mobile, area of Duluth, Minn.—License to cover construction permit B4-PRY-171.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to change present location from 1076 West 7th St., Los Angeles, Calif., to 1 Lee Drive, Hollywood, Calif., and specify frequency band **44000-50000 kc.**, in accordance with new rules.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Acme Steel Company—Violation of Section 3 of the Clayton Act, which prohibits exclusive dealing agreements, is alleged in a complaint issued against Acme Steel Company, Chicago, the country's largest manufacturer of steel strap and band tying-tools, machines and equipment and the straps, bands and seals used in connection therewith.

The complaint alleges that in leasing and licensing the use of tying-tools and equipment for the tying or binding of boxes, packages and bundles, the respondent company requires the lessee or licensee or other user to enter into an agreement or understanding that he will use in connection with the tools and equipment so leased or licensed only such strapping and seals as are purchased from the respondent, the latter reserving the right to terminate the lease at any time.

It is alleged that the respondent leased or licensed its unit-load tool equipment, used for large jobs like tying bundles for loading on railroad cars, on the condition and agreement that the lessee, licensee or user purchase his entire requirement of bands and seals for use in the operation thereof from the respondent, as long as he is in the possession of such equipment, and on the further condition that if any lessee or licensee should use in the operation of such machines and equipment any tying material other than that purchased from the respondent company, the right to the use and possession of the respondent's machines and equipment may be terminated and such property repossessed. (3818)

A. S. Aloe Company—A complaint has been issued charging A. S. Aloe Company, large dealer in surgical products, with unlawful receipt of price discriminations in violation of the Robinson-Patman Act. The company has its headquarters in St. Louis and branch distributing houses in Kansas City and Los Angeles.

It is alleged that the Aloe company induced manufacturers, jobbers, importers and distributors of surgical products to discriminate in price between different purchasers buying articles of like grade and quality by charging competitors of the Aloe company higher prices than those charged Aloe.

The complaint alleges that the discriminations favoring the Aloe company are not uniform on each surgical product sold or from each dealer and that the Aloe company pays the sellers from approximately 10 per cent to approximately 30 per cent less for such products of like grade and quality than do the competitors, depending upon the surgical product and the seller, or either of them. (3820)

Ardell Razor Blade Corp.—Unauthorized use of well-known trade names in the sale of razor blades is alleged in a complaint issued against Ardell Razor Blade Corporation, Newark, N. J., and its selling agent, Fuller Blade Company, Inc., New York.

The respondents are alleged to have etched on both faces of certain razor blades sold and distributed by them the words: "Made IN U.S.A. EDISON Surgical Chrome Steel. Ed-I-Co Blade Company, New York". Such blades allegedly were packed in cartons on which were printed the words: "EDISON RAZOR BLADES EDISON LEADS WHERE BLADES ARE SOLD".

The respondent are further alleged to have etched on both faces of certain other blades the words: "DeLuxe EASTMAN. Fuller Blade Co., Inc.", and cartons in which these blades were packed featured the word "EASTMAN" with the words "DeLuxe Razor Blades".

It is alleged that use by the respondents of the words "Edison", "Ed-I-Co", "Ed-I-Co Blade Company" and "Eastman" misleads and deceives the purchasing public into the belief that razor blades so designated are manufactured by Thomas A. Edison, Inc., and Eastman Kodak Company, whereas these companies have not authorized the respondents to so use their names.

It is alleged that the respondent companies, through their misleading use of these well and favorably known trade names, have obtained unfair competitive advantages. (3831)

Fuller Blade Company, Inc.—See Ardell Razor Blade Corp.

John J. Fulton Company, 88 First St., San Francisco, distributor of "Uvursin", advertised as an oral treatment for diabetes mellitus, has been served with a complaint alleging misrepresentation. The respondent distributes to purchasers of the preparation a suggested diet, and recommends that the diet be followed in connection with the use of the preparation.

The complaint alleges that the respondent corporation's product has no therapeutic value in the treatment of diabetes mellitus, and that when used with the diet recommended by the respondent, or any other diet, does not add to or increase the efficacy or therapeutic value of the diet as a treatment for diabetes mellitus. (3819)

Lorna Gay Company—See Knight Company.

Howard D. Johnson Company—Advertising ice cream and food as "home made" when they really are factory manufactured, is charged in a complaint issued against Howard D. Johnson Company, 89 Beale Street, Wollaston, Mass.

Typical of these advertisements, the complaint alleges, is "Howard D. Johnson food is wholesome—home cooked", and "Howard D. Johnson home made ice cream."

The complaint charges that the products are factory made, of the ingredients and by the ordinary methods of production used in factories manufacturing such products for sale. (3827)

Knight Company—A complaint charging misleading and deceptive representations in the sale of cosmetics and toilet preparations has been issued against a group of 20 respondents having operating headquarters in Des Moines, Iowa.

The respondents are Richard E. Williams, Steve W. Phillips, Walter C. Phillips, Warren Lee Eastman, Ernie A. Storesund, Don Parmalee and A. L. Anderson, trading under some or all of the following trade names: The Knight Company, June Knight, Marena Company, Lorna Gay Company, and other names; G. G. Grant, W. W. Young, Paul Manning, and the following who are in business as a partnership or otherwise under the trade name The Committee for General Investments: F. W. Fitch, Mrs. F. W. Fitch, L. W. Fitch, Mrs. L. W. Fitch, G. W. Fitch, Mrs. G. W. Fitch, R. H. Young, Mrs. R. H. Young, L. R. Sandahl and Mrs. L. R. Sandahl.

The complaint alleges that the respondents' plan of operation is briefly as follows:

The respondents get into contact with prospective purchasers of cosmetics and toilet articles by mail, soliciting such "prospects" to enter into a simple contest for a prize of comparatively small value, and for that purpose they enclose a reply postal card and circular letter in which they confusingly intermix references to various prizes and contests. When a prospect enters a preliminary contest by mailing the postal card he is advised in reply that he has been awarded the first 100,000 "booster" points. A so-called promptness certificate is sent him, which he is to return with an order for the respondents' products, for which he must remit $1, and a punch or pull card is sent for his use in reselling at a profit to himself the products ordered, provided he does not desire to use them himself. At a later stage he is informed for the first time that his chance of winning a prize depends upon the value of the cosmetics and other toiletries purchased by him from the respondents.

It is alleged that until the close of the contest, there is a continuous flow of circular letters and other literature similar in text and purport from the respondents to all contestants, urging that they purchase the respondents' products and representing that each has a chance to win the prize in each sub-contest and also the grand prize, and that one more order may make a contestant the winner.

It is alleged that the respondents make these representations well knowing that many of the contestants are purchasing their products for resale in rural communities and small cities and towns where the probable maximum demand for such preparations cannot be sufficient to give the contestant any chance to win. (3833)

Arthur Longfield—Simulation of the labels, wrappers and bottles of Lea & Perrins Worcestershire Sauce, is alleged in a complaint issued against Arthur Longfield, 522 Myrtle Ave., Brooklyn, distributor of a table sauce designated "Longfield's Celebrated Worcestershire Style Sauce".

Worcestershire sauce, the complaint alleges, was originally made in the County of Worcestershire, England. From 1835 until 1877 it was manufactured exclusively there. From 1877 to 1898 it was imported from England in casks, partly finished, and completed in this country according to the private formula of Lea and Perrins, the bottling and labeling also having been done here. Later it was manufactured in the United States by representatives of the original company under the original formula.

The complaint alleges that the respondent has packaged his product in a manner closely resembling the containers of Lea & Perrins Sauce, and also has copied from the famous Lea & Perrins label the language: "From the recipe of a nobleman in the country", enclosed in scrolls similar to those depicted on the original. The complaint names the English nobleman, whose identity has often aroused curiosity, as Sir Marcus Sandys, who brought the recipe from India. (3823)

Marena Company—See Knight Company.

Mattia & Briganti Company—See Premier Color Works.

McDowell, Pyle & Co., Inc., 221 West Pratt St., Baltimore, is charged in a complaint with use of games of chance, gift enterprises or lottery schemes in the sale and distribution of peanuts to ultimate consumers.

Punchboards are alleged to be supplied by the respondent to dealers who use them in selling and distributing the respondent's peanuts. (3832)

Mendoza Fur Dyeing Works, Inc.—In a complaint, Mendoza Fur Dyeing Works, Inc., 135 West 29th St., New York, is charged with misrepresentation.

The complaint alleges that for the purpose of inducing customers to forward pelts to the respondent for dyeing and processing, such customers are provided with various sketches and designs for use in their manufacture of fur garments from pelts dyed and processed by the respondent and labels to be attached to the garments designating them as "Mendoza Furs."

In advertising material the respondent is alleged to represent that the sketches supplied by it are designed by famous Parisian couturiers; that the labels are those of famous Parisian couturiers, and that the use of such labels is authorized by them. The respondent also represents that garments labeled "Mendoza Furs" are designed and manufactured in Paris, France, and have won a prize or award in competition with other designers and processors there. The advertisements carry reproductions purporting to be of labels of couturiers such as Schiaparelli, Vionnet, Heim, Max and Jeanne Lanvin and others. (3824)

Milton Products Company—Two Chicago dealers in courses or books of instruction have been served with complaints, charging misleading representations.

Respondent in one case is Milton Meyer, trading as Milton Products Company, 2440 Lincoln Ave., and in the other case, Universal Detective System, Inc., 188 West Randolph St. Meyer also sells watches, optical goods, skeleton keys and other articles, his catalog listing about 2,000 items.

Books of instruction allegedly were sold by Meyer under the titles: "Learn to Play the Piano by Easy Method at Home", "Learn to Vamp Easily", "Play Hawaiian or Steel Guitar in Five Minutes", and "The Famous Five Minute Courses." The respondent's representations as implied in these titles and as made in his advertising matter exceeded the possibilities of accomplishment, according to the complaint.

Among other commodities sold and allegedly misrepresented by the respondent Meyer, the complaint lists books of instruction in ventriloquism, fortune telling, crystal gazing, hypnotism and clog dancing, telescopes advertised as being of fine quality and two and one-half power, and watch cases guaranteed as gold finished and not to tarnish.

Universal Detective System, Inc., selling correspondence courses in detective work, allegedly advertised so as to imply that there is a great demand for detectives; that the respondent is in a position to obtain detective jobs for graduates; that the work is highly remunerative and that anyone can become a detective. Other alleged misleading representations were that the respondent corporation is an operative detective agency of wide extent and that its course exemplifies a unique method in detective work through use of the name "Universal Detective System, Inc.", and by designating its students as members of such "system."

The latter respondent also is alleged to have misleadingly represented by reproductions of photographs of city and police officers engaged in demonstrating fingerprinting and other crime detection activities, together with the use of such officers' names and positions, that the officers and the cities with which they are connected endorsed the respondent and its course. (3825-3829)

Premier Color Works—Complaints alleging misrepresentation by two companies distributing medicinal preparations have been issued.

Michael P. Briganti and Fred C. Mattia, individually and trading as Premier Color Works, and Mattia and Briganti Company, 382 Pearl St., New York, manufacture and sell a line of effervescent and laxative products under the brand name "Ave Maria." Statements and representations printed on the cartons and containers of the preparations include "* * * Made in U. S. A. from a highly recommended formula of Dr. Arnaldo Piutti, Director of the Pharmaceutical Institute of 'Reggio Universita de Napoli' (Italy)," and "Highest Awards in the Hygienic Divisions of International Expositions."

The complaint charges that the products were not made from the formula as advertised; were not exhibited at international expositions and did not receive the awards depicted on the containers and cartons.

Sunlak Company, 226 East 6th St., Cincinnati, distributes a medicinal preparation known as "Sumlakia," recommended as a cure for epilepsy.

Among representations made by the respondent company is "Equally important as its therapeutic qualities is the comforting assurance that Sumlakia is made out of non-narcotic ingredients. It is safe. If it does not help, it should, at least, not harm, not even an aged person or an infant." (3826-3828)

Prime Hat Company, Inc.—Misleading representations in the sale of hats made from old materials is alleged in a complaint issued against Prime Hat Company, Inc., 97 East Houston St., New York, and against Vincent Gerbino, Samuel Scifo, Vito Digregorio and John Scifo, individually and as officers of the corporation.

Purchasing felts and other materials obtained from old, worn and used hats, the respondents are alleged to renovate them and provide new trimmings, sweatbands and size labels so that they appear as new hats, and to sell them to dealers without any marks to inform the public that they are in fact made from old and used felt hat bodies and renovated to look like new.

The respondents are alleged also to use the words "Quality Hats" and the words "Made Over Hat" on sweatbands. By such usage, it is alleged, the respondents fail to disclose to purchasers that such hats are made from old and used hat bodies as distinguished from hats made from new but shopworn hat bodies reclaimed from merchants' shelves. (3830)

Universal Detective System, Inc.—See Milton Products Company.

STIPULATION

The Commission has entered into the following stipulation:

Kulp Lamp Company—Lester Kulp, individually and also trading as Kulp Lamp Company, 700 South Clinton St., Chicago, has entered into a stipulation to desist from misrepresentation in the sale of incandescent lamps.

The respondent agrees to discontinue use on his letterheads, invoices or otherwise, of the words "Manufacturer of" or any other words of similar meaning as descriptive of the business in which he is engaged or the effect of which may tend to convey the belief to purchasers that he makes or manufactures the incandescent lamps sold by him, or that he actually owns and operates or directly controls the plant or factory in which the products are manufactured, when these are not the facts. (2483)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Associated Sales Company—Two dealers using lottery methods in the sale and distribution of merchandise to ultimate purchasers have been ordered to cease and desist.

Hyman Mendels, individually and trading as J. J. Henderson, with places of business at 113 Hudson St., Jersey City, N. J., and 221 West 42nd St., New York, it was found, has been supplying push cards, order blanks and circulars to customers explaining his plan of allotting premiums or prizes to patrons of the push cards in the sale of fountain pen desk sets, clocks and other merchandise.

Philip F. Rubenstein, individually and trading as Associated Sales Company, 605 South First St., Milwaukee, Wis., also is found to have supplied customers with push cards and circulars explaining his plan of selling clocks, clothing, kitchen ware and other merchandise and allotting premiums.

Each respondent is ordered to cease and desist from supplying, mailing, shipping or transporting to agents or distributors or members of the public, push or pull cards, punch boards or other lottery devices to enable such persons to sell or distribute merchandise, or selling or disposing of merchandise by the use of such devices. (3179-3496)

Ever-Keen Dry Shaver Company—J. H. Tigerman, individually and trading as Ever-Keen Dry Shaver Company, and as Royce Dry Shaver Company, 43 East Ohio St., Chicago, has been ordered to cease and desist from lottery methods and misrepresentation in the sale and distribution of electric dry shavers to ultimate purchasers.

"Ever-Keen Electric Dry Shavers" and "New Royce Dry Shavers" are assembled by the respondent, and the Commission finds that in the distribution of the merchandise the respondent includes push cards, order blanks, pamphlets and instructions explaining a sales plan allotting extra premiums or prizes to the operators of the push cards.

The Commission also finds that the respondent has disseminated false and misleading representations with reference to his electric razors, purporting to be descriptive of their value and effectiveness. Representations are that the products are equal in value to $15 electric dry shavers and that they are "acclaimed as the best dry shaver on the market regardless of price." Findings are that the products are of inferior grade and workmanship and last only a short period of time. (3757)

Kolynos Company, New Haven, Conn., has been ordered to discontinue misleading representations in the sale of "Kolynos" toothpaste.

The respondent is directed to cease disseminating advertisements to the effect that Kolynos is an outstanding, competent or effective germicidal or antiseptic agent; that it will remove stains other than ordinary surface stains; that it will keep the mouth thoroughly clean and healthy or assure sound teeth, and that it will restore brightness to teeth dull or discolored because of other than ordinary surface stains.

The order also prohibits the representation that this dentifrice is more concentrated or economical to use than competing products or that it will accomplish results not attainable by use of competing dentifrices. (3587)

Lake Erie Chemical Company and U. S. Ordnance Engineers, Inc., corporations located at 2200 Scranton Road, Cleveland, have been ordered to cease and desist from making certain representations in connection with the sale and distribution of warfare products in foreign trade. The order was issued under the Federal Trade Commission Act as extended by the Export Trade Act (Webb-Pomerene Act of 1918).

In effect the Commission found, among other things, that the respondents caused about 700 copies of a certain catalog to be made up and circulated among foreign purchasers, advertising respondents' products in such manner as to represent that respondents had such official, semi-official, or close relationship with the United States Government, through its Army, Ordnance Department and Chemical Warfare Service, as to afford respondent U. S. Ordnance Engineers, Inc., access to, and use of, all information and experience, including experimental and development work of these military subdivisions of the Government, relating to warfare products and to Government standards and specifications therefor; that U. S. Ordnance Engineers, Inc., is favored and especially fitted by such relationship to supply purchasers with munitions and related products conforming to U. S. Government standards, and that U. S. Ordnance Engineers, Inc., is successor in business to the Lake Erie Chemical Company. The Commission found the representations to be false and misleading in that respondents had no such relationship. (2484)

Patterson School—A Rochester, N. Y., school preparing students for United States Civil Service examinations has been ordered to discontinue misleading representations in the sale of correspondence courses.

Respondents are Arthur R. Patterson, Albert C. Kehr, Arthur W. Edson, Eva O. Brown and Minnetha Coe, trading as Patterson School.

They are directed to cease representing that Civil Service positions are at the disposal of the respondents; that they can in any manner control appointments to such positions; that they can assist applicants in any manner other than by preparing them to take Civil Service examinations and that they have any information pertaining to such examinations other than or in advance of regular official notices. (3228)

Politis Remedy Company—Harry Politis, formerly trading as Politis Laboratory, 4504 North Vancouver Ave., Portland, Oreg., has been ordered to discontinue misleading representations in the sale of Politis, advertised as a remedy for skin afflictions. The respondent is now in business under the name Politis Remedy Company.

Politis is directed to cease representing his preparation as a cure, remedy or competent treatment for eczema, athlete's foot, poison oak, impetigo, and other skin diseases and to discontinue representing, through use of the word "Laboratory" as a part of a trade name, that he conducts or maintains a laboratory for manufacturing or testing or for experimenting with the preparation he sells. (3227)

Royce Dry Shaver Company—See Ever-Keen Dry Shaver Company.

U. S. Ordnance Engineers, Inc.—See Lake Erie Chemical Company.

FCC Assignments For July

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF July
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	**Commissioner Norman S. Case**
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	**Commissioner T. A. M. Craven**
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	**Commissioner George Henry Payne**
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	**Commissioner Frederick I. Thompson**
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	**Commissioner Thad H. Brown**
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	**Commissioner Paul A. Walker**
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	**Secretary T. J. Slowie**
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	**Chief Engineer Ewell K. Jett**

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 27, July 7, 1939

Convention Program

9 A.M.—SUNDAY, JULY 9

Registration: *Registration desk open Sunday, July 9, at 9 A.M. Also to receive entries and to arrange for transportation to the BROADCASTING Magazine Golf Tournament, Northfield Country Club*

10:30 A.M.—NAB Golf Tournament, Northfield Country Club

Other Sunday Activities

2:00 P.M.—Meeting of the **Research Committee,** *Arthur Church, KMBC,* presiding

7:00 P.M.—Dinner meeting of NAB BOARD OF DIRECTORS

MONDAY, JULY 10

8:30 A.M.—Breakfast: **Newspaper-owned Stations,** *Campbell Arnoux, WTAR,* presiding

9:00 A.M.—Registration

10:00 A.M.—Group Meetings:

Local-channel Group—*John Elmer, WCBM,* presiding

National Association of Regional Broadcast Stations—*John Shepard, III, Yankee Network,* presiding

10:30 A.M.—Clear Channel Group—*Edwin W. Craig, WSM,* presiding

11:30 A.M.—Meetings of **NAB Districts** (subject to call of District Director)

12:30 P.M.—Luncheon of the NAB Bureau of Radio Advertising in conjunction with the Sales Managers' Committee, at which time the foundation will be laid for the establishment of a new and productive service for NAB member stations

Luncheon tickets may be purchased at the door

2:00 P.M.—Group Meetings:

National Committee of Independent Broadcasters
Independent Radio Network Affiliates

4:00 P.M.—(a) **Demonstration of Television by NBC**

(b) Discussion of radio engineering problems, *John V. L. Hogan, Chairman,* **NAB Engineering Committee,** presiding

7:00 P.M.—Supper Meeting of **Copyright Committee**

Bulletin Board in Lobby Will Announce Location of Meetings

TUESDAY, JULY 11

9:00 A.M.—Registration

9:30 A.M.—Convention Called to Order

Introduction of the President by
Edwin W. Craig, WSM

Annual Report of the President

●

Announcement of Convention Committee Appointments

●

Address: Stephen Early, Secretary to the President of the United States

"RADIO IN ITS RELATIONSHIP TO GOVERNMENT"

●

Report of the Nominating Committee for Election of Six Directors at Large

●

Report of the Secretary-Treasurer, Edwin M. Spence

●

Adjournment

12:30 P.M.—Luncheon Meeting

Address: Carl E. Milliken, Secretary, Motion Picture Producers and Distributors of America, Inc.

"Industrial Self Regulation in America"

Make Your Reservations Now to Attend the Seventeenth Annual NAB Convention

Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

2:30 P.M.*—Report of the NAB Committee on Code and Standards of Practice

Presentation of Proposed New Code:
Ed. Kirby, Director of Public Relations

Discussion

Adjournment

* Meeting open to NAB members only.

WEDNESDAY, JULY 12

9:30 A.M.—Call to Order

Report of the NAB Bureau of Radio Advertising—Paul Peter, Director of Research

●

Joseph L. Miller, Director of Labor Relations

"The Labor Situation Today"

●

Address: Elmer F. Andrews, Administrator, Wage and Hour Division, U. S. Department of Labor

"Wage and Hour Regulation and Broadcasting"

●

Announcement: By the Election Committee of time and place for balloting to elect six Directors-at-Large

●

Address: Dr. John W. Studebaker, U. S. Commissioner of Education

"What the Federal Radio Education Committee Means to the American System of Broadcasting"

●

Address: Orrin E. Dunlap, Jr., Radio Editor, New York Times

"Television Facsimile—Their Future Effect upon Standard Broadcasting as seen from an Outside Viewpoint"

●

Discussions

Announcements

Adjournment

Luncheon (No scheduled luncheon)

2:00 P.M.*—Report of the NAB Copyright Committee—

Neville Miller, Chairman

Discussion

Adjournment

* Meeting open to NAB members only.

7:00 P.M.—ANNUAL NAB BANQUET

Entertainment: *Through the courtesy of National Broadcasting Company, Columbia Broadcasting System, and Mutual Broadcasting System, in cooperation with NAB*

Presentation of BROADCASTING Magazine trophy to winner of NAB Golf Tournament

10:30 P.M.—Network Address:

THE MIRRORS OF AMERICA

The Motion Picture—Will Hays, president, Motion Picture Producers and Distributors of America, Inc., speaking from Hollywood

The Radio—Neville Miller, president, National Association of Broadcasters, speaking from Atlantic City

THURSDAY, JULY 13

9:30 A.M.—Reports of Committees

Discussion of Reports

Amendments to By-Laws

Address: Joseph Marty, executive secretary, Radio Servicemen of America

"The Missing Link in Broadcasting"

Discussion: Radio Industry Promotion Campaign

Unfinished Business

Report of Resolutions Committee

Election of Directors at Large

Adjournment

2:00 P.M.—First meeting of new Board of Directors

FCC "CENSORSHIP" HEARING

The FCC announced this week that it would confine its July 14 hearing on the new rules for international broadcasting to the "censorship" issue raised by the NAB and the American Civil Liberties Union.

Petitions from the NAB and six short-wave broadcasters requesting enlargement of the issues were denied. Appearances for the July 14 hearing filed by both the NAB and the short-wave broadcasters were accepted, however, and the enlargement petitions were denied "without prejudice to the filing of a petition requesting hearing upon or a reconsideration of any of the Commission's rules or regulations applicable to international broadcast stations."

Swagar Sherley will represent the NAB at the hearing on the "censorship" rule.

FCC REPORTS NETWORK INCOME

The FCC issued a press statement this week saying that the 1938 total time sales for the three major networks and 23 M. & O. stations amounted to $68,123,525. Of that amount $54,938,879 came from net time sales to advertisers after trade discounts; $5,347,388 from sale of station time to networks; and $7,837,258 from sale of station time to users.

Net revenue from broadcast services was reported as $9,307,735 and other income $174,751.

Deductions from income were reported as $985,090, leaving net income before income taxes $8,497,396. Federal income taxes were estimated at $1,473,796, and state income taxes at $19,900, leaving net income for the period after tax deductions, $7,003,700.

WALKER SWORN IN

Commissioner Paul A. Walker was sworn in on July 1 for his second term as member of the FCC. The new term extends for a period of seven years from July 1. He was confirmed by the Senate with no opposition on June 30.

PRESIDENT SIGNS FCC APPROPRIATION

On June 30, President Roosevelt signed the Deficiency Bill which, among other things, contained the appropriation for the Federal Communications Commission for the fiscal year which began on July 1. The total appropriation amounted to $1,838,175. The Commission had asked Congress for $2,000,000.

DONALD O'CONNOR

Station WOLS requests any member knowing the whereabouts of Donald O'Connor, a former employee, to advise WOLS.

FCC DEFERS ACTION ON CERTAIN APPLICATIONS

The FCC this week sent the following notice to licensees of broadcast stations:

> The Federal Communications Commission announced today that final action would be deferred on all pending applications requesting nighttime operation on regional frequencies which would involve serious interference problems if other pending applications requesting the use of 5 KW power on such frequencies are granted. The pending applications requesting the use of 5 kw power at night will, under the Commission's new rules which become effective August 1, no longer be inconsistent with the rules limiting maximum power for nighttime operation on such frquencies. The Commission's new rules and regulations governing standard broadcast stations, which were adopted by the Commission on June 23, provide for maximum permissible nighttime power of 5 kw on regional channels. The present rules limit such power to 1 kw. Applications affected by this action of the Commission fall into three classes: Those which have been set for hearing but not yet heard, those upon which a hearing has been held but no decision rendered by the Commission, and those upon which a decision has been rendered and are now pending on a petition for rehearing. As to those applications which have not yet been heard, an additional issue will be inserted in the notice of hearing concerning the interference problem with pending 5-kw applications, and, thereafter, the applications will be heard in regular course. As to the applications on which a hearing has been held and applications pending on petition for rehearing, a further hearing will be ordered on issues related to the interference problem created by pending 5-kw applications.
>
> Applications pending before the Commission which are affected by the Commission's action include the following:

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CASES HEARD BUT NOT YET ACTED ON

Applicant	*Call Letters*	*Docket No.*
Salt River Valley Broadcasting Co., Phoenix, Arizona	KOY	5054
United Theatres, Inc., San Juan, P. R.	NEW	4610
Enrique Abarca San Feliz, San Juan, P. R.	NEW	5298
Times Dispatch Radio Corp., Richmond, Virginia	WRTD	4852
Radio Service Corp., Pocatello, Idaho	KSEI	5182 (I-745)
Pittsburgh Radio Supply House, Greensburg, Pa.	WHJB	5176 (I-763)
Sentinel Broadcasting Corp., Salina, New York	NEW	5094 (I-763)
Tampa Times Co., Tampa, Florida	WDAE	4936 (I-692)
Monocacy Broadcast Co., Frederick, Maryland	WFMD	5423
Southern Minnesota Broadcasting Co., Rochester, Minn.	KROC	4642 (I-757)
City of Dallas, Dallas, Texas	WRR	5369
Havens & Martin, Inc., Richmond, Va.	WMBG	4846 (I-661)
Tri-State Broadcasting Co., Inc., El Paso, Texas	KTSM	4813 (I-618)
Tri-City Broadcasting Co., Davenport, Iowa	WOC	5487
King-Trendle Broadcasting Corp., Pontiac, Michigan	NEW	5016 (I-729)

CASES ON WHICH DECISIONS HAVE BEEN RENDERED AND PETITIONS FOR REHEARING FILED

Applicant	*Call Letters*	*Docket No.*
Citizens Broadcasting Corp., Schenectady, New York	NEW	4508 (I-594)
Thomas J. Watson, Endicott, New York	NEW	4550 (I-594)
Hampden Hampshire, Inc., Holyoke, Mass.	NEW	4564 (I-594)
Illinois Broadcasting Corp., Quincy, Illinois	WTAD	4599 (I-696)

CASES DESIGNATED FOR HEARING BUT NOT YET HEARD

Applicant	*Call Letters*	*Docket No.*
Jack Powers, et al., d/b as Utah Broadcasting Co., Salt Lake City, Utah	KUTA	5568
Wm. P. Huffman, Wisconsin Rapids, Wisconsin	NEW	4864 (I-659)
Spokane Broadcasting Corp., Spokane, Washington	KFIO	5537
Evansville on the Air, Evansville, Indiana	WGBF	5512
John F. Arrington, Valdosta, Ga.	NEW	5366

NEW LEGISLATION

CONGRESS

H. R. 7035 (Mr. Hobbs, D.-Ala.) ANTITRUST LAWS—To amend Section 8 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and to provide additional civil remedies against violations. Referred to the Committee on the Judiciary.

S. 2719 (Sen. O'Mahoney, D.-Wyo.) Same as H. R. 7035, above.

STATE LEGISLATION

New Jersey:

A. 651 (Farley) EMPLOYMENT AGENCIES—To make numerous amendments to the act regulating employment and booking agencies. Referred to Committee on Institutions.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

There was no regular meeting of the Commission this week. The next meeting will be held on July 12.

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, July 10. They are subject to change.

Tuesday, July 11

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modification of license, **1210 kc.**, 100 watts, unlimited time. Present assignment: **1210 kc.**, 100 watts, daytime.

KNEL—G. L. Burns, Brady, Tex.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.

Wednesday, July 12

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license, **1380 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1380 kc.**, 500 watts, 1 KW, unlimited time (DA night).

Thursday, July 13

Oral Argument on Petition for Rehearing Before a Quorum of the Commission

Examiner's Report No. I-613:

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license to Travelers Broadcasting Co.; **1060 kc.**, 50 KW, shares with WBAL (SA for **1040 kc.**, simultaneous operation with KRLD, unlimited).

W1XEH—Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license to Travelers Broadcasting Co.; **63500 kc.**, 150 watts, unlimited time, according to Rule 983.

W1XLU—Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license to Travelers Broadcasting Co.; **105,000, 200,000, 290,000, 450,000 kc.**, 5 watts, to operate according to Rules 983, 1002, 1004.

W1XO—Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license to Travelers Broadcasting Co.; **31100, 34600, 37600, 40600 kc.**, 50 watts, to operate according to Rules 983, 1002 and 1004.

W1XT—Travelers Broadcasting Service Corp., Hartford, Conn.—Voluntary assignment of license to Travelers Broadcasting Co.; **31100, 34600, 40600, 37600 kc.**, 100 watts, to operate according to Rules 983, 1002, 1004.

Friday, July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—North Shore Broadcasting Co., Salem, Mass.—C. P., **1200 kc.**, 100 watts, unlimited time.

International Broadcast

In re: Section 42.03 (a) pertaining to International Broadcast Service.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change:

August 10

Hearing to Be Held Before Commissioner George Henry Payne in the Federal Court Room, Bellingham, Washington

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

September 11

Hearing Before the Committee to Be Held in Room 1411

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

Broadcast

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts LS, limited time.

September 13

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Special experimental authorization; **1420 kc.**, 250 watts night, 1:05 to 2:15 a. m., CST.

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

September 25

NEW—Union Broadcasting Co., Scranton, Pa.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.**, 500 watts, Emission A-3, unlimited, according to Rule 983 (a).

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

MISCELLANEOUS

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted motion to accept respondent's appearance in re application of Lakeland Broadcasting Co. for a new station at Willmar, Minn.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Denied motion for clarification and amendment of issues (exception noted by counsel for petitioner) in re application for C. P. to change frequency and power.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted motion to amend hearing notice by adding issue relating to economic interest, in re application of KUTA, referred to above (exception noted by counsel for KUTA).

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Motion for advancement of hearing date from July 10 to 6 in re application of Samuel M. Emison for a new station in Vincennes was passed Nisi. Motion by applicant (Emison) to continue this case granted; new date to be fixed by office of Secretary.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted petition to intervene in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester, Mass.

KFVD—Standard Broadcasting Co., Inc., Los Angeles, Calif.—Granted motion for leave to amend application so as to request frequency **990 kc.**, 1 KW day, 500 watts night, unlimited time.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Granted petition for leave to amend application so as to request daytime only, in re C. P. for new station to operate on **680 kc.**, 250 watts LS.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted petition to have depositions received in re application for C. P. to operate on **1370 kc.**, 100 watts, 250 watts LS, unlimited.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent July 4, in order to observe holiday.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW at night, using DA, for the period July 14 to August 12, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on **780 kc.**, reduces power so that additional interference is not involved, or until defective DA is corrected by installation of new tuning condensers.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously, non-synchronously, with station KFAB commencing 4:45 a. m., CST, for the period July 10, and ending no later than August 8, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously, non-synchronously, with WBBM.

KVOS—KVOS, Inc., Bellingham, Wash.; and NEW—Bellingham Broadcasting Co., Bellingham, Wash.—Commissioner Payne was assigned to preside at the hearing scheduled for August 10, 1939, in Bellingham, Wash., in re application of Bellingham Broadcasting Co. for C. P., and renewal of license of KVOS.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted special temporary authority to operate from 9 a. m. to 1 p. m. and from 6 to 10 p. m., PST, during the months of July and August (instead of unlimited time as licensed), in order to observe regular vacation period.

KBKC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to use Type D-100 transmitter, the final amplifier of which consists of one RCA 813 tube which is modulated by two RCA 809 tubes with power of 175 watts, on board the yacht *Geoanna*, on the frequencies of **4797.5, 6425, 8655 kc.**, for the period July 1 to July 25, 1939, for relay broadcast of a series of special programs incident to the Honolulu Yacht Regatta to be broadcast by Radio Station KNX.

KAAC—Columbia Broadcasting System, Inc., New York, N. Y.—Granted special temporary authority to operate Amateur Station W6LS, licensed to Leo Shepherd, as a relay broadcast station on **4797.5, 6425** and **8655 kc.**, for the period July 1 to July 25, 1939, for the purpose of establishing the necessary cue circuit for a series of special programs incident to the Honolulu Yacht Regatta to be broadcast by Radio Station KNX.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted special temporary authority to operate WORC new directional antenna as authorized in B1-P-2270 during daylight hours for the period July 1 to July 10, 1939, in order to facilitate equipment tests for proof of performance measurements.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate until 11 p. m., EST, on June 29, 1939, in order to broadcast civic celebration in City of Williamson.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:30 p. m. to 12 midnight, EDST, on July 25, 1939, in order to broadcast a special program under the auspices of the local National Guard, Company H, 172nd Infantry.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 7 to 8 p. m., CST, on July 2 and 9, in order to carry special revival programs of the Volunteers of America.

KOIN—KOIN, Inc., Portland, Ore.—Granted special temporary authority to rebroadcast over KOIN and the Columbia network program material between 8 a. m. and noon, PST, on July 1, 1939, from short wave stations licensed to the Coast Guard (Coast Guard Cutter Onondaga operating on **2698 kc.**, and Relief Lightship **3410 kc.**), in connection with ceremony of turning Lightship Service over to the Coast Guard.

KFRO—Voice of Longview, Longview, Tex.—Granted extension of special temporary authority to operate from local sunset (July, 7:30 p. m., CST) to 11:05 p. m., CST, using 100 watts only, on Sundays, July 2, 9, 16, 23 and 30, 1939, in order to broadcast church services.

KHGB—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Denied special temporary authority to operate from local sunset (July, 7:45 p. m., CST) to 10:30 p. m., on July 2, 9, 16, 23, and 30, 1939, in order to broadcast church services; to operate from local sunset to 10 p. m., CST, on July 3, 10, 17, 24, and 31, 1939, in order to broadcast "Okmulgee Little Theater of the Air."

WILM—Delaware Broadcasting Co., Wilmington, Del.—Denied special temporary authority to operate simultaneously with station WAZL from 8:30 p. m., EDST, to the conclusion of baseball games on July 19, 1939, and from 8 p. m., EDST, to the conclusion of baseball games on August 8 and 15, 1939, in order to broadcast the baseball games of the National and American Leagues.

WPTF—WPTF Radio Company, Raleigh, N. C.—Denied extension of special temporary authority to operate from 11 p. m. to 12 p. m., EST, for the period beginning July 9, 1939, and ending in no event later than 3 a. m., EST, August 1, 1939, in order to broadcast programs as described in letter of May 27, 1939.

WPG—City of Atlantic City, Atlantic City, N. J.—Denied special temporary authority to operate Sunday July 2, 1939, from 3:15 p. m. to 4:30 p. m., EST, for continuation report of baseball started shortly before commencement period.

W2XWC—Kalorama Laboratories, Inc., Irvington, N. J.—Granted C. P. to move television broadcast station from Irvington, N. J., to Carlstadt, N. J. (approximately 12 miles), and to continue operation for an additional 30 days from July 6, 1939, with power of 500 watts, **2000-2100 kc.**, 12 midnight to 6 a. m., on a non-interference basis.

WESG—Cornell University, Elmira, N. Y.—Granted C. P. to change tubes in transmitting equipment, conditionally, upon a temporary basis only.

W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted license to cover C. P. for a new fixed special relay broadcast station on an experimental basis, to operate with power of 50 watts, frequencies **133030, 134850, 136810** and **138630 kc.**, unlimited time in accordance with Sections 40.04 and 41.04, to be used to relay high fidelity programs using frequency modulation from a site in Boston, Mass.; granted conditionally.

WJBW—Charles C. Carlson, New Orleans, La.—Granted license to cover C. P. and modification thereof authorizing installation of new equipment, moving of studio and transmitter, and extension of commencement and completion dates; granted conditionally.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted modification of C. P. extending completion date from July 17, 1939, to September 17, 1939.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted modification of C. P. for approval of antenna and studio site at Berthadale Road at Highway 24, McComb, Miss., and studio at Main St., McColgan Hotel, McComb, Miss., provided the marking of the tower is specifically inserted in the permit.

WTMA—Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Granted license to cover C. P. and modification thereof authorizing erection of new station in Charleston, S. C., to operate on **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Granted C. P. to make changes in equipment; frequency **1370 kc.**, power of 100 watts, unlimited time.

W2XWG—Kalorama Laboratories, Inc., Irvington, N. J.—Granted extension of special temporary authority to operate a composite television transmitter, to be located in Carlstadt, N. J., for radio television transmission in the **2000-2100 kc.** band, for operation between the hours of 12 midnight and 6:00 a. m., on a non-interference basis, with a power of 500 watts, emission A5 only, for test and experimental purposes only, for the period July 7 to August 5, 1939.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate Eastern daylight saving time instead of Eastern Standard Time as licensed during period when daylight saving time is in effect but in no event later than 3:00 a. m., EST, October 1, 1939.

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with Station WEBQ from 7:30 p. m. to 9:00 p. m., CST, July 4, 1939, in order to broadcast an address by U. S. Senator Bennett Champ Clark and other activities of the American Legion Picnic.

KQV—KQV Broadcasting Company, Pittsburgh, Pa.—Adopted an order setting for hearing at 10:00 a. m., on July 12, 1939, in the offices of the Commission in Washington, D. C., the application for modification of license.

WINC—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate daytime using new transmitter and directional antenna authorized in C. P. as modified to facilitate field measurements to substantiate phase monitor for a period not to exceed ten days.

WPRP—Julio M. Conesa, Ponce, Puerto Rico.—Denied special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W3XE, W3XAL, and W8XK over Station WPRP, on a non-commercial experimental basis only, for a period not to exceed thirty days.

WPG—City of Atlantic City, Atlantic City, N. J.—Denied special temporary authority to operate Sundays from 3:15 p. m. to 4:30 p. m., EST, for purpose of maintaining continuity in certain baseball broadcasts and on Fridays from 2:00 p. m. to 3:00 p. m., EST, for purpose of broadcasting worthwhile programs of interest to the public generally such as an educational feature description of certain baseball games and musical program for a period of thirty days.

APPLICATIONS FILED AT FCC

550 Kilocycles

WDEV—Lloyd E. Squier & Wm. G. Ricker, d/b as Radio Station WDEV, Waterbury, Vt.—Modification of license to increase power from 500 watts to 1 KW.

640 Kilocycles

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Construction permit to install new transmitter, make changes in directional antenna system, for night use, change frequency from **640** to **1390 kc.,** increase power from 500 watts to 1 KW night, 5 KW day, change hours of operation from limited to unlimited.

920 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Modification of C. P. (B5-P-1540) to change frequency, power and time, install new antenna and move transmitter, further requesting installation of new transmitter and move transmitter from north of Denver, Colo., to 56th Ave. & Pecos St., Denver, Colo., and extend commencement and completion date 30 and 180 days respectively.

1210 Kilocycles

WPIV—Petersburg Newspaper Corp., Petersburg, Va.—Modification of C. P. (B2-P-1475) for a new station requesting approval of antenna, and approval of studio and transmitter sites at Wythe St., Petersburg, Va. Amended: Antenna changes and give transmitter site as Colonial Heights, Va., and studio site at corner Sycamore and Tabb Sts., Petersburg, Va.

WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1250 Kilocycles

WKST—Keystone Broadcasting Co., New Castle, Pa.—Construction permit to install new transmitter, increase power from 250 watts to 1 KW.

1310 Kilocycles

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Construction permit to move transmitter 50 feet from Lower Hogback, Jerome, Ariz., to Main Road, Jerome, Ariz., and studio from 711 Main St., Jerome, Ariz., to Main Road (across from High School), Jerome, Ariz.

WEBR—WEBR, Inc., Buffalo, N. Y.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1380 Kilocycles

WING—WSMK, Inc., Dayton, Ohio.—Modification of C. P., B2-P-1575, as modified, for new transmitter, increase in power, change in hours of operation, install directional antenna for night use, and move transmitter, further requesting extension of completion date from 7-1-39 to 8-1-39.

1400 Kilocycles

KLO—Interstate Broadcasting Corp., Ogden, Utah.—License to cover C. P. (B5-P-489) as modified for equipment changes, installation of directional antenna for day and night use, increase power, and move of transmitter to new site.

1500 Kilocycles

WTMC—John T. Alsop, Jr., Ocala, Fla.—License to cover C. P. (B3-P-2148) for a new station.

MISCELLANEOUS

XXXX—Columbia Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corporation.

XXXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs originating in NBC's studio at 30 Rockefeller Plaza, New York City, or any points in U. S. where network programs may originate, to station CMX, Havana, Cuba.

W7XCY—Oregonian Publishing Co., Portland, Ore.—License to cover C. P. (B5-PRE-257) for equipment changes, increase in power, and new frequencies, in accordance with new rules.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

C. R. Anthony Company, Oklahoma City, Okla., operator of 57 retail department stores in Oklahoma, Kansas, Texas and New Mexico, is charged with violation of the Robinson-Patman Act through illegal acceptance of brokerage fees in a complaint.

Other respondents are Burrell-Berger, Inc., Miss Plaza, Inc., Samuel R. Parnes, Inc., and Gorgeous Frocks, Inc., all of New York, described in the complaint as the "sellers."

It is alleged that C. R. Anthony Company, under the name of The Anco Company, maintains an office at 1450 Broadway, New York, and that its employees attached to that office, working on a salary basis, purchase for and in the name of C. R. Anthony Company the requirements of its retail department stores, consisting of women's apparel and other merchandise, from various New York sellers including the four named in the Commission's complaint.

The complaint alleges that the seller respondents and other sellers pay and deliver to C. R. Anthony Company, under the name of The Anco Company, so-called brokerage fees and commissions which amount to an agreed percentage on quoted sales prices, and that C. R. Anthony Company, the sole party with an interest in and the actual purchaser in the transactions, without performing any services for or on behalf of the sellers, accepts the payments in violation of the brokerage section of the Robinson-Patman Act. (3834)

Burrell-Berger, Inc.—See C. R. Anthony Company.

Economy Men's Hat Company, Inc.—Misleading representations in the sale of hats made from old materials is alleged in complaints issued against two New York companies. The respondents are Economy Men's Hat Company, Inc., and Rosalind Nissenbaum, Lena Nissenbaum and Samuel Gilman, individually and as officials of the company, 5 Elizabeth St. and Morben Hat Works, Inc., and Morris S. Altman, individually and as an officer, 162 Green St.

Purchasing old, worn and used felt hats, the respondents in both cases are alleged to renovate them and in some instances to provide new trimmings, sweatbands and size labels so that they appear as new hats made from felts which have never been worn, and to sell them to dealers without any marks to inform the public that they are in fact made from old and previously used felt hat bodies and renovated to look like new. (3837-3838)

Gorgeous Frocks, Inc.—See C. R. Anthony Company.

Industrial Plants Corporation, 90 West Broadway, New York, is charged in a complaint with misrepresentation in the sale and distribution of pliers and wrenches. The respondent is alleged to represent that its pliers and wrenches are nickel plated, when this is not a fact. The complaint alleges that such misleading representations result in unfairly diverting trade to the respondent from its competitors. (3835)

Morben Hat Works, Inc.—See Economy Men's Hat Company, Inc.

Samuel R. Parnes, Inc.—See C. R. Anthony Company.

Miss Plaza, Inc.—See C. R. Anthony Company.

Prudential Sales Corp.—False advertising and use of lottery plans in selling merchandise to ultimate consumers is alleged in a complaint issued against Prudential Sales Corporation, 230 East Ohio St., Chicago.

Advertising matter on the face of lottery push cards distributed by the respondent, including use of the word "Packard" and a picture of an electric dry shaver, is alleged to deceive buyers into believing that the pictured shaver is a "Packard Lectro Shaver," when in fact the respondent's electric dry shavers are not Packard Lectro Shavers.

Use of the word "Elkskein" in advertising sports jackets allegedly deceives buyers into believing that the respondent's garments are made of the skin of an elk when in fact this is not so and their value is but a fraction of that of jackets made from genuine elkskin.

Blankets allegedly are advertised in a manner misleading the public into believing that they are composed entirely of wool.

The respondent is alleged to represent that gifts, prizes or premiums are given free to agents when in fact the so-called gifts are not free but are regular compensation for selling the respondent's merchandise and their cost is included in the cost of other articles sold for the respondent by agents. (3839)

Wahl Company—Misleading representations in the sale of fountain pens is alleged in a complaint issued against The Wahl Company, 1800 Roscoe St., Chicago.

The respondent is alleged to represent directly or by implication that ink cannot leak from its Eversharp fountain pen equipped with a so-called "Safety Ink Shut-Off" device, when the pen is uncapped and the pen point exposed; that ink cannot leak from the pen into the cap when it is screwed tightly over the pen point, and that this pen possesses more than twice as much ink capacity as competing fountain pens.

The complaint alleges that in fact ink can leak from respondent's fountain pens under the conditions mentioned; that the so-called safety device does not prevent ink which is in the feed mechanism immediately prior to attachment of the cap, from leaking into the cap after it is screwed tightly over the pen point, and that such ink does leak into the cap when the pen is shaken or jostled. The complaint also alleges that the ink capacity of Eversharp pens is substantially less than the amount claimed. (3836)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Bobs Candy & Pecan Company—Lottery methods in the sale of merchandise to ultimate purchasers is prohibited under orders issued against an Albany, Ga., and a Chicago dealer.

Bobs Candy & Pecan Company, Albany, Ga., the Commission finds, sold to dealers certain assortments of candy and nut confections so packed and assembled as to involve a lottery scheme when so sold and distributed to consumers.

Morris L. Rauer, individually, and formerly trading as Earl Chrome Manufacturing Company, now in business under the name Earl Chrome Company, 2757 Lincoln Ave., Chicago, is found to have supplied Wisconsin, Indiana and Iowa merchants with punch-boards as a means of selling the respondent's radios, clocks, cocktail shakers, coffee sets and novelty merchandise. It is further found that the respondent, by use of the trade name Earl Chrome Manufacturing Company, represented himself to be the manufacturer of the products he sold, when in fact he did not own or control a factory. (3580-3426)

Earl Chrome Manufacturing Company—See Bobs Candy & Pecan Company.

King Candy Company, Fort Worth, Tex., has been ordered to cease and desist from lottery methods in the sale and distribution of candy to ultimate consumers.

The respondent was found to have been selling to dealers certain assortments of candy for distribution to consumers by use of push-cards and punch-boards.

The order directs that the respondent cease and desist from supplying or selling lottery devices to others, to enable such persons to sell or distribute merchandise, and from selling or disposing of merchandise by the use of such devices. (3437)

STIPULATIONS

The Commission has entered into the following stipulations:

C-E-Z-R Company—Anna Greenberg and Belle Greenberg, copartners trading as C-E-Z-R Company, Omaha, Nebr., have entered into a stipulation to discontinue misrepresentations in the sale of an eye wash preparation. The respondents agree to desist from representing directly or by implication that "C-E-Z-R Eye Drops" are a competent treatment in the relief of tired or fatigued eyes, or are unique in the manner in which they act to cleanse the eyes. They admit that eye fatigue results primarily from overuse of the extrinsic and intrinsic muscles of the eyes and cannot be competently relieved by medication, but only by periods of rest. (02391)

Deimel Linen-Mesh System Company, 376 Post St., San Francisco, has entered into a stipulation to discontinue misrepresentations in the sale of underwear.

The respondent agrees to desist from the use of the trade name or trade mark "Dr. Deimel Linen-Mesh Underwear" to designate garments not entirely made of linen, or from the use of the words "linen" or "linen-mesh" in any way to designate such garments unless the other fibers present are at the same time identified and with equal conspicuousness.

The respondent further agrees to cease representing directly or by implication that Dr. Deimel Linen-Mesh Underwear is the one or only underwear that gives "temperature control," that quickly absorbs perspiration and allows it to evaporate or that has been recommended by leading physicians for 40 years.

Other representations to be discontinued are that the respondent's product will eliminate the possibility of colds or of catarrh or of bronchitis when substituted for woolen undergarments, or works constantly to prevent skin rashes and eczema, and that a change to this type of underwear greatly lessens the danger of pneumonia. (02390)

Siticide Company—In a stipulation accepted and supplemental to one entered into June 23, 1936, the Siticide Company, Commerce, Ga., agrees to discontinue misleading representations in the sale of its product "Siticide", a treatment for scabies.

The respondent will cease representing directly or by implication that a single application of Siticide will cure the itch caused by scabies parasites; that Siticide penetrates the skin, or that the itching sensation accompanying scabies disappears immediately upon, or without the lapse of an appreciable length of time following, the application of Siticide to the skin. (01427)

FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against International Association of Ice Cream Manufacturers, Washington, D. C., its officers and member companies, who were charged with activities tending to restrain trade in the sale of ice cream in interstate commerce and to discourage the operation and use of counter ice cream freezers.

Respondent association members named in the complaint as being representative of the 500 ice cream manufacturer and distributor members were National Dairy Products Corporation, New York, The Borden Company, New York, Golden State Company, Ltd., San Francisco, Midwest Dairy Products Corporation, DuQuoin, Ill., French-Bauer, Inc., Cincinnati, and Southwest Utility Dairy Products Company, Oklahoma City, Okla. Respondent association officers at the time the complaint was issued were: G. G. Kindervater, president; W. R. Cammack, vice president; Madison H. Lewis, treasurer, and Robert C. Hibben, executive secretary.

The closing order points out that subsequent to issuance of the complaint the entire files of the proceeding were, at the request of the Attorney General, transmitted to the Department of Justice and that criminal indictments were brought by that Department against the respondents in Chicago, the cases being known as the Government against The Borden Company, and others, and against National Dairy Products Corporation and others.

The Commission closed its case without prejudice to its right to reopen it should future facts so warrant.

NAB Reports
The National Association of Broadcasters

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 28, July 15, 1939

Convention Takes Copyright, Code Action

Strong affirmative action on the two outstanding problems before the broadcasting industry today—copyright and program standards—marked the three day convention of the National Association of Broadcasters which adjourned Thursday at noon.

The convention unanimously adopted a resolution directing the Copyright Committee to fix an early deadline for the conclusion of the principle terms of a new deal with ASCAP and to call a special convention not later than September 15, if the Committee decides no good purpose would be served by postponement of the deadline.

By an overwhelming majority the convention adopted a Code of Program Standards and then unanimously supplemented it with a definition of "Accepted Standards of Good Taste" to assist in the Code's interpretation. The new Board was directed to fix the effective date and set up compliance machinery. The Board announced it would announce its plan at its September meeting.

Following are the texts of the copyright resolution, the Code and the Program Standards resolution:

Copyright

Whereas the existing contracts between broadcasters and ASCAP expire December 31, 1940, and whereas ASCAP is now the principal source through which music is made available to American broadcasters, and whereas broadcasters are willing to pay a fair and reasonable price for ASCAP music and thereby encourage composers, authors and publishers to continue to produce the best possible music, and whereas further the broadcasters believe that any fair and reasonable price must be predicated upon paying for the music used, therefore,

Resolved that

1. The present copyright committee is continued as a special copyright committee with the powers and duties herein stated.

2. The copyright committee is authorized and directed through a negotiation committee to conclude with ASCAP a form of contract to be recommended to the entire industry for a term of years, on a basis acceptable to the industry.

3. The copyright committee is authorized to fix a deadline for conclusion of the principal terms of such a deal.

4. The copyright committee, if in its judgment no good purpose is served by postponement of its dead-line, is authorized to prepare such measures as are necessary and expedient to enable the industry to provide sufficient music for its requirements without ASCAP on the expiration of the existing ASCAP contracts December 31, 1940.

5. The copyright committee is authorized in such event to call a special convention of the industry not later than September 15 to vote the funds necessary for success of such measures.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

The Code

Recognizing the importance of radio broadcasting in the national life and believing that broadcasters have sufficient experience with the social side of the industry to formulate basic standards for the guidance of all, the National Association of Broadcasters hereby formulates and publishes the following revised Code:

CHILDREN'S PROGRAMS

Programs designed specifically for children reach impressionable minds and influence social attitudes, aptitudes and approaches and, therefore, they require the closest supervision of broadcasters in the selection and control of material, characterization and plot.

This does not mean that the vigor and vitality common to a child's imagination and love of adventure should be removed. It does mean that programs should be based upon sound social concepts and presented with a superior degree of craftmanship; that these programs should reflect respect for parents, adult authority, law and order, clean living, high morals, fair play and honorable behavior. Such programs must not contain sequences involving horror or torture or use of the supernatural or superstitious or any other material which might reasonably be regarded as likely to over-stimulate the child listener, or be prejudicial to sound character development. No advertising appeal which would encourage activities of a dangerous social nature will be permitted.

To establish acceptable and improving standards for children's programs, the National Association of Broadcasters will continuously engage in studies and consultations with parent and child study groups. The results of these studies will be made available for application to all children's programs.

CONTROVERSIAL PUBLIC ISSUES

As part of their public service, networks and stations shall provide time for the presentation of public questions including those of controversial nature. Such time shall be allotted with due regard to all the other elements of balanced program schedules and to the degree of public interest in the questions to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy.

Time for the presentation of controversial issues shall not be sold, except for political broadcasts. There are three fundamental reasons for this refusal to sell time for public discussion and, in its stead, providing time for it without charge. First, it is a public duty of broadcasters to bring such discussion to the radio audience regardless of the willingness of others to pay for it. Second, should time be sold for the discussion of controversial issues, it would have to be sold, in fairness, to all with the ability and desire to buy at any given time. Consequently, all possibility of regulating the amount of discussion on the air in proportion to other elements of properly balanced programming or of allotting the available periods with due regard to listener interest in the topic to be discussed would be surrendered. Third, and by far the most important, should time be sold for the discussion of controversial public issues and for the propagation of the views of individuals or groups, a powerful public forum would inevitably gravitate almost wholly into the hands of those with the greater means to buy it.

The political broadcasts excepted above are any broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away.

Nothing in the prohibition against selling time for the presentation of controversial public issues shall be interpreted as barring sponsorship of the public forum type of program when such a program is regularly presented as a series of fair-sided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.

EDUCATIONAL BROADCASTING

While all radio programs possess some educative values, broadcasters nevertheless desire to be of assistance in helping toward more specific educational efforts, and will continue to use their time and facilities to that end and in cooperation with appropriate groups, will continue their search for improving applications of radio as an educational adjunct.

NEWS

News shall be presented with fairness and accuracy and the broadcasting station or network shall satisfy itself that the arrangements made for obtaining news insure this result. Since the number of broadcasting channels is limited, news broadcasts shall not be editorial. This

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means that news shall not be selected for the purpose of furthering or hindering either side of any controversial public issue nor shall it be colored by the opinions or desires of the station or network management, the editor or others engaged in its preparation or the person actually delivering it over the air, or, in the case of sponsored news broadcasts, the advertiser.

The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening and to understand the meaning of events so that they may form their own conclusions and, therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis and elucidation are free of bias.

News commentations as well as all other newscasters shall be governed by these provisions.

RELIGIOUS BROADCASTS

Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion. Rather it should be the purpose of the religious broadcast to promote the spiritual harmony and understanding of mankind and to administer broadly to the varied religious needs of the community.

Commercial Programs
and
Length of Commercial Copy

Acceptance of programs and announcements shall be limited to products and services offered by individuals and firms engaged in legitimate commerce; whose products, services, radio advertising, testimonials and other statements comply with pertinent legal requirements, fair trade practices and accepted standards of good taste.

Brief handling of commercial copy is recommended procedure at all times.

Member stations shall hold the length of commercial copy, including that devoted to contests and offers, to the following number of minutes and seconds:

Daytime

Fifteen-minute programs—3:15
Thirty-minute programs —4:30
Sixty-minute programs —9:00

Nighttime

Fifteen-minute programs—2:30
Thirty-minute programs —3:00
Sixty-minute programs —6:00

Exceptions:

The above limitations do not apply to participation programs, announcement programs, "musical clocks," shoppers' guides and local programs falling within these general classifications.

Because of the varying economic and social conditions throughout the United States, members of the NAB shall have the right to present to the NAB for special ruling local situations which in the opinion of the member may justify exceptions to the above prescribed limitations.

PROGRAM STANDARDS

To clarify the phrase "Accepted Standards of Good Taste" and the canons of good practice set forth in the NAB Code, therefore be it Resolved:

That member stations shall not accept for advertising:

1. Any spirituous or "hard" liquor.
2. Any remedy or other product the sale of which or the method of sale of which constitutes a violation of law.
3. Any fortune-telling, mind-reading, or character-reading, by handwriting, numerology, palm-reading, or astrology, or advertising related thereto.
4. Schools that offer questionable or untrue promises of employment as inducements for enrollment.
5. Matrimonial agencies.
6. Offers of "homework" except by firms of unquestioned responsibility.
7. Any "dopester," tip-sheet or race track publications.
8. All forms of speculative finance. Before member stations may accept any financial advertising, it shall be fully ascertained that such advertising and such advertised services comply with all pertinent federal, state and local laws.
9. Cures and products claiming to cure.
10. Advertising statements or claims member stations know to be false, deceptive or grossly exaggerated.
11. Continuity which describes, repellently, any functions or symptomatic results of disturbances, or relief granted such disturbances through use of any product.
12. Unfair attacks upon competitors, competing products, or upon other industries, professions or institutions.
13. Misleading statements of price or value, or misleading comparisons of price or value.

The New Board

District 1—Paul W. Morency
Radio Station WTIC
Travelers Broadcasting Service Corporation
Hartford, Connecticut
District 2—Harry C. Wilder, President
Radio Station WSYR
Central New York Broadcasting Corporation
Syracuse, New York
District 3—Clifford M. Chaffey
Radio Station WEEU
Berks Broadcasting Company
Reading, Pennsylvania
District 4—John A. Kennedy, President
Radio Station WBLK
The Exponent Company
Clarksburg, West Virginia
District 5—W. Walter Tison, Director
Radio Station WFLA
Florida West Coast Broadcasting Company, Inc.
P. O. Box No. 1410
Tampa, Florida
District 6—Edwin W. Craig, Vice President
Radio Station WSM
National Life & Accident Insurance Company
Nashville, Tennessee
District 7—J. H. Ryan
Radio Station WSPD
Fort Industry Corporation
Toledo, Ohio
District 8—John E. Fetzer, President
Radio Station WKZO
WKZO, Incorporated
Kalamazoo, Michigan
District 9—Walter J. Damm, Managing Director
Radio Station WTMJ
Milwaukee Journal Company
Milwaukee, Wisconsin
District 10—John J. Gillin, Jr., Manager
Radio Station WOW
Woodmen of the World Life Insurance Society
Omaha, Nebraska
District 11—Earl H. Gammons, General Manager
Radio Station WCCO
Columbia Broadcasting System, Inc.
Minneapolis, Minnesota
District 12—Herbert Hollister, General Manager
Radio Station KANS
KANS Broadcasting Company
Wichita, Kansas
District 13—O. L. Taylor, General Manager
Radio Station KGNC
Plains Radio Broadcasting Company
Amarillo, Texas
District 14—Eugene P. O'Fallon, President
Radio Station KFEL
Eugene P. O'Fallon, Incorporated
Denver, Colorado
District 15—Howard Lane
Radio Station KFBK
McClatchy Broadcasting Company
Sacramento, Calif.
District 16—Donald W. Thornburgh, Vice President
Radio Station KNX
Columbia Broadcasting System, Inc.
Los Angeles, California
District 17—C. W. Myers, President
Radio Station KOIN
KOIN, Incorporated
Portland, Oregon

One Year Term

DIRECTORS-AT-LARGE

Large Stations

Harold Hough, General Manager
Radio Station WBAP
Carter Publications, Incorporated
Fort Worth, Texas
Frank M. Russell, Vice President
Radio Station WRC
National Broadcasting Company, Inc.
Trans-Lux Building
Washington, D. C.

Medium Stations

George Norton
Radio Station WAVE
WAVE, Inc.
Louisville, Ky.
Don S. Elias
Radio Station WWNC
Asheville Citizen-Times Co.
Asheville, N. C.

Small Stations

John Elmer, President
Radio Station WCBM
Baltimore Broadcasting Corporation
Baltimore, Maryland
Harry R. Spence
Radio Station KXRO
KXRO, Incorporated
Aberdeen, Wash.

Executive Committee

The new NAB Board of Directors elected the following Executive Committee at its first meeting on Thursday:

Edwin W. Craig, WSM
John Elmer, WCBM
Herbert Hollister, KANS
John A. Kennedy, WCHS
Paul W. Morency, WTIC
Harry C. Wilder, WSYR

Resolutions Adopted

One

Resolved, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby thanks Mr. Stephen Early, secretary to the President of the United States, for his attendance, his constructive message and the good will and understanding of the problems in broadcasting as evidenced by the opinions and suggestions contained in his address.

Two

Resolved, that the Seventeenth Annual Convention of the National Association of Broadcasters hereby extends its hearty thanks to Carl E. Milliken, secretary of the Motion Picture Producers and Distributors of America, Inc., for his interest in our problems and his kindness in being willing to share with us the experiences of his organization in meeting similar problems in the past.

Three

Resolved, that the Seventeenth Annual Convention of the National Association of Broadcasters hereby thanks Mr. Elmer F. Andrews, administrator of the Wage and Hour Division of the United States Department of Labor, for his valuable suggestions and interpretation of the Fair Labor Standards Act. And that the Association hereby pledges its wholehearted support of Mr. Andrews and his organization in carrying out the intent of the law.

Four

Resolved, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby extends its appreciation to Dr. John W. Studebaker, United States Commissioner of Education, and to Dr. Leonard Power, Research Coordinator of the Federal Radio Education Committee, for their help and suggestions in enabling the broadcasting industry to more completely live up to its obligations in promoting the proper use of radio facilities by the educational operators of the country.

Five

Resolved, by the Seventeenth Annual Convention of the National Association of Broadcasters, that our thanks are extended to Mr. Orrin E. Dunlap, Jr., Radio Editor of the New York *Times,* for his message on television and facsimile.

Six

Resolved, by the Seventeenth Annual Convention of the National Association of Broadcasters, that our thanks are extended to Joseph Marty, executive secretary of the Radio Servicemen of America, for his interesting discussion of the subject, "The Missing Link in Broadcasting."

Seven

Resolved, that the National Association of Broadcasters hereby extends its appreciation to Edwin M. Spence and his co-workers for their usual efficient convention arrangements.

Eight

Resolved, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby heartily thanks the Columbia Broadcasting System, the Mutual Broadcasting System, and the National Broadcasting Company for their contributions in helping the National Association of Broadcasters in connection with the fine entertainment at the banquet. And particularly commends them for their thoughtfulness in providing entertainment other than that with which we are so familiar in our regular business.

Nine

Resolved, that the National Association of Broadcasters hereby extends its hearty thanks to William S. Hamilton, manager, Harold E. Baggs, assistant manager, and the staff of the Ambassador Hotel, and the Atlantic City Convention and Publicity Bureau, for their fine service in contributing to the success of the Seventeenth Annual Convention of the Association.

Ten

(*From the Independent Radio Broadcasters*)

WHEREAS, the Radio Manufacturers Association, comprising the larger manufacturers of radio receiving sets, has established and promoted the manufacture and sale of the push button type of receiving set, and

WHEREAS, the continued sale and distribution of the push button set (comprising for the most part only four buttons) will, in five years at the present rate of replacement, seriously reduce the possible listening audience of the independent stations, thereby causing inestimable damage to the independent broadcasters through the loss of advertising revenue, and

WHEREAS, the independent broadcasters feel that a continuance of this policy on the part of RMA constitutes an unfair trade practice and a monopolistic condition in the broadcast industry,

Be It, Therefore, Resolved, that the independent broadcasters urgently request that the NAB immediately attempt to arrive at a satisfactory solution to this problem with the RMA, and that failing to arrive at some satisfactory solution that the NAB bring the matter to the attention of the proper governmental agencies to the end that relief from this untenable situation be provided for the independent broadcasters.

Eleven

Be It Resolved, by the National Association of Broadcasters, in Seventeenth Annual Convention assembled, that our hearty thanks and appreciation are hereby extended to President Neville Miller and his very efficient staff for their loyalty, cooperation and wholehearted support during the year just concluded.

WHEREAS, on May 23, 1939, the Federal Communications Commission promulgated new rules and regulations for the operation of international broadcast stations. These regulations included new and unprecedented restrictions and requirements as to program content and were issued without prior public hearing. On June 3, 1939, Neville Miller, President of the National Association of Broadcasters, addressed a letter to the Honorable Frank R. McNinch, Chairman of the Federal Communications Commission, discussing certain objections of principle to these regulations and suggesting that the Commission reconsider its action of May 23, 1939 and give licensees of international stations and others an opportunity at public hearing to discuss the questions involved; and

WHEREAS, as pointed out by President Miller in his letter of June 3, 1939, "If the Commission has authority to promulgate this character of regulation in the international field, it must have equal authority with respect to domestic broadcasting, as the same provisions of the law govern both classifications." It was further pointed out by President Miller that the proposed regulations will establish the precedent for "a violent transgression of the basic principles of American democracy" and that "surely no such dangerous prerogative is contemplated by the Communications Act of 1934 and is in direct conflict with Section 326 of the Act which expressly prohibits any type or character of censorship or any condition or regulation 'which shall interfere with the right of free speech by means of radio communication' "; AND

WHEREAS, subsequently, on June 15, 1939, the Federal Communications Commission, acting under a petition for the withdrawal or amendment of Rule 42.03 (a) filed on behalf of the American Civil Liberties Union, ordered a hearing to be held before a quorum of the Commission on the 12th day of July, 1939, the date for which hearing was later postponed to July 14, 1939; and

WHEREAS, President Miller, acting under authority vested in him by the Board of Directors of the National Association of Broadcasters, employed Swagar Sherley as special counsel to represent the National Association of Broadcasters at this hearing. Mr. Sherley has entered an appearance on behalf of the National Association of Broadcasters and has been instructed to participate in these proceedings; and

WHEREAS, because of the fundamental questions raised by these regulations, which appear not only to restrict the type of service that might be rendered by the licensees of international broadcast stations; and because of the more fundamental question that if such regulations are permitted to go unchallenged, there might be grave misunderstanding by the public and Congress as to the powers of the Federal Communications Commission with respect to program content, including advertising continuities; and because of the further fact that there is implied in these regulations a trend that must be resisted if broadcasting is to remain free and uncensored; and because of the further fact that there has been some suggestion or intimation as to the manner in which President Miller took the steps he did to call to the attention of the Commission the fears and misgivings of the broadcasting industry in connection with these regulations;

Now, Therefore, Be It Resolved, that the National Association of Broadcasters, assembled at their 17th annual convention, hereby affirms and believes that the statements contained in President Miller's letter of June 3, 1939, constitute a fair and accurate expression of the fundamental issues involved and commends President Miller for his prompt and vigilant action in calling to the attention of the Commission and the public the fact that the regulations governing international broadcasting stations, as drafted, contained elements of a genuine threat to the right of free speech by radio communication, not only in the operations of international broadcast stations, but in the domestic field as well.

Be It Further Resolved, that the National Association of Broadcasters takes cognizance of the fact that, in convening a formal hearing on these regulations, the Federal Communications Commission, on June 15, 1939, in a press release accompanying the order, stated:

> "The Commission is of the opinion that an open public hearing to discuss the merit of the new regulation is desirable, particularly in view of the fact that the application of the rules has been misunderstood in some quarters.";

and that it is the sense of this convention that, in view of the Commissioner's statement, the Commission will, following the hearing scheduled upon this regulation, through appropriate revision or modification make it clear that such regulation could not in any way be construed or interpreted by either the licensees of international broadcast stations or by the public to abridge in any manner the fundamental right of free speech by means of radio communication.

Thirteen

WHEREAS, the National Association of Broadcasters, as the organization composed of the majority of the licensees of standard broadcast stations, has from time to time urged upon the Federal Communications Commission that the normal license period of standard broadcast stations be extended beyond the six months period: and

WHEREAS, it has been the sense of broadcasters that the previous short term license policy made for uncertainty and insecurity; and

WHEREAS, as early as 1934, the Honorable Thad H. Brown, member of the Communications Commission, proposed an amendment to the section of the regulations limiting the license period to six months, and proposed to extend it to a period of one year; and

WHEREAS, the industry has long believed that it was unnecessary to limit the license to a period of six months, particularly when Congress had authorized a maximum period of three years; and

WHEREAS, on June 22, 1939, the Communications Commission announced that it had increased the normal license period for standard broadcast stations from six months to one year by amending the appropriate section of the rules and regulations governing standard broadcast stations, which amendments affect all of the 735 standard broadcast stations now operating in the United States and territorial possessions.

Therefore, Be It Resolved, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby expresses to the Communications Commission its commendation of the action extending the license period to one year; and further, it is the belief of broadcasters that this will contribute to the stability of the industry and thus enhance the opportunity for increasingly better public service.

Be It Further Resolved, that the National Association of Broadcasters continue its efforts to obtain thhe maximum length of licenses as authorized by the Congress; and

Be It Further Resolved, that copies of this resolution be sent by the Secretary of the Association, to the Chairman of the Federal Communications Commission, and to each of its members, as an expression of appreciation of the confidence which the extension of the license period evidences.

Fourteen

Resolved, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby heartily thanks Grover Whalen, president, and John S. Young, Director of Radio and Television, of the New York World's Fair, for the invitation extended to the broadcasters to attend the Fair as their guests.

Fifteen

Resolved, that the official acts of the duly qualified officers of the National Association of Broadcasters, performed since the last annual convention, be and the same are hereby approved.

Sixteen

Resolved, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby extends its most hearty thanks to Will Hays, president of the Motion Picture Producers and Distributors of America, Inc., and to James G. Stahlman, past president of the American Newspaper Publishers Association, for their most valuable contributions to the principles of free speech and the preservation of that most important factor contributing to our democratic form of government as expressed in the international broadcast entitled, "The Mirrors of America," at 10.30 p.m., July 12, 1939.

Early's Speech

I come here today not in the role of White House "spokesman" for that mythical creature of evasion was interred on the fourth day of March, 1933, and, insofar as I can predict, he will never be resurrected; certainly *not* by the incumbent President. Any views which I express to you, therefore, reflect solely my personal beliefs, based upon experience as a newspaperman and upon observations made during the past six years of official life.

When I accepted your invitation to appear before this convention, I emphasized to your President, Mr. Miller, that none could presume to speak for the President of the United States. I wish now to reiterate that as a preface to my remarks to you.

Usually when a government official appears before the trade association of an industry his remarks include:

1. A solemn plea for cooperation to attain some general and usually undefined objectives; or
2. A stern admonition to reform certain of its practices under the penalty of a paternal spanking; or
3. A soothing reassurance that the government has no immediate intention of taking over their business, leaving its operators to the mercies of a dictator with designs against the capitalistic system, or
4. A pious affirmation of faith in the profit system.

I prefer to avoid such banalities although, like a famous Vermonter, I, too, could assure you that I am "agin sin."

Broadcasting, it seems to me, mostly craves reassurance. That I *can* bring you. I have no knowledge of any Marxist plot for government to "take over" and operate radio stations. Nor am I informed concerning any subversive movement to put the government in the retail hardware business. If such reassurance will serve to alleviate the jitters, I am glad to pass it along.

When the time comes that this government dictates what its people shall hear; what they shall read or see, then freedom ends and democracy is no more.

Perhaps most of you are familiar with the recent utterance of the President concerning freedom of radio. Speaking in a transcribed interview conducted by Lowell Mellett, Executive Director of the National Emergency Council, the President said, in part:

"But now in our own time, there has come into being another great institution for the general diffusion of knowledge—the radio. Still in its infancy, it already rivals in importance the schools and the press. The government, as the people's agent, has had and has now a still different relation to radio from that toward the school and the press. It has encouraged and aided its development on the one hand, and, on the other, it has set up such controls of its operation as are necessary to prevent complete confusion on the air. In all other respects the radio is as free as the press."

What, then, is this freedom? The President in the statement just quoted spoke of the government's having a "different relation to radio from that toward the school and the press." To my mind, this relationship implies more than mere technical regulation necessitated by the physical phenomena of radio and goes somewhat beyond the statutory prohibition against broadcasting obscene, indecent language or information concerning lotteries, etc. Fortunately or unfortunately, the radio spectrum limits the number of broadcast stations and government must determine who is to operate them. This necessarily involves a duty upon the part of the government and a peculiar responsibility upon the part of broadcasters who are licensed to operate a franchise in the public interest.

Were the physical characteristics such that an *un*limited number of broadcast stations could be established, the relationship of the regulatory authority of government to the broadcast operator might be simply that of parceling out wave-lengths and enforcing recognized statutory prohibitions against false and misleading advertising that apply to all media alike. However, if predicted engineering advances materialize and the number of broadcast stations can be expanded to approach infinity, I doubt if the present operators will be particularly jubilant over the prospect of such additional competition. You might yearn then for the good old days of regulation and questionnaires. The present F. C. C. might become a synonym for peace and exclusive frequencies.

Therefore, it should be assumed that broadcasters are not hostile to a periodic scrutiny of their record to determine whether they have fulfilled their obligation to the people in performing a public service.

As I understand it, grants are made essentially to the highest bidder for public service. The licensee then assumes an obligation to render the type of service he specified in obtaining his grant. If someone thinks he can perform a better broadcasting service in your locality than you, under the law, he has a right to file application for your license, and, if he can prove his case to the satisfaction of the Commission, he can supplant you.

Consequently, I take it, your best insurance to defeat such potential antagonists is consistently to render the very best public service you can. A cumulative record of good service is an excellent insurance policy.

Extremists of the "hands-off" school may advocate that when a licensee is granted a station, the licensing authority should kiss him goodbye, wish him luck and renew his license every six months or a year as a matter of course. This would grant a perpetual franchise to each licensee and the government, as the agent of the people, would have no opportunity to determine whether a proper public service was being rendered.

I would not advocate that the licensing authority lay down in advance definite, detailed and rigid standards of public service, implemented by specific rules and prohibitions. It would be difficult, if not impossible to draft such standards free from the odium of censorship. But the elements that compose public service are not vague or mysterious. Each of you broadcasters know whether your station is doing the right kind of job and, for my part, I would be willing to leave to a jury of broadcasters any specific instance involving the right of a station to have its license renewed.

You would know the answer. Only recently, I am advised, the Communications Commission has extended the license period from six months to a year for standard broadcast stations. The requirement that a broadcast licensee make annual justification for the use of a franchise granted him by his government is in no sense *in*compatible with freedom, as we understand it, and it is *not* necessary to lay down tight regulations to prevent flagrant disregard of the fundamental decencies of broadcasting. The Commission, it seems to me, has ample authority to proceed against any licensee who persists in a course of conduct which reasonable men agree is contrary to any rational standard of public interest.

The question then arises whether, in the process of making this determination, any violence is done to the freedom of radio. Of the 700 odd radio stations, the vast majority of whom have had their licenses regularly renewed since 1927, I am told that less than *a* half dozen have had their licenses revoked for cause. Since the Communications Commission was created in 1934, the records show that only a single station has failed to obtain its renewal of license —and that for some violation of technical engineering regulations.

Yet it is said that you gentlemen live in a constant state of fear that your licenses MAY be taken from you and that, therefore, you must spend too great a part of your time and give up too great a part of your time on the air in trying to please the big, bad government. The big, bad government, standing over you with hand outstretched ready to snatch away your precious license. Of course, I know and I am certain you agree that this just isn't so.

Thus it would seem that there has been no perversion of the duty of the regulatory authority to examine periodically the station's record. What, then, is the basis for the clamor that radio's freedom may be invaded? Certainly the brief history of radio regulation affords no conclusive evidence of any threat to the fundamental American right of freedom of speech.

Nevertheless, certain myths have grown up which deserve examination. The first myth *that should be cracked* is censorship. The Communications Act of 1934—I am certain you have recently read this section—says "nothing in this Act should be understood to give the Commission the power of censorship . . . and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech." There is nothing ambiguous or equivocal about that language. Legalists may quibble over its commas and semicolons but I stick to the interpretation that it means what it says. And should this Commission or any of its successors promulgate any regulation that violates that section, broadcasters have the remedy of judicial review and, if you *can't* get in the courthouse, you can *ignore* the regulation until the Commission takes you there.

The recent outcry over the regulation relating to international broadcasting demonstrates that the people of our country would never tolerate censorship. In this instance, the Commission, as you might expect, disclaimed any attempt at censorship and I understand it now has convened a hearing to determine whether the rule should be revised. It is my personal hope that the final regulations governing this class of broadcast stations will leave no doubt that freedom of speech *is* American culture and that *no* agency of government intends to supervise or control the programs broadcast.

In my opinion, censorship of radio, the press and other media of public information, should it ever develop, would be preceded by a real upheaval in the basic structure of our government and economic system. Professional alarmists may spin learned and fanciful parallels of events here and abroad, but these United States of ours *defy comparison.*

And I reiterate: I am the last person in the world to advocate censorship of what is said by broadcasters in the United States or by newspapers in the United States. I say this not only because I am a firm believer in the constitutional provision for freedom of expression, but also because I am an equally strong believer in the common sense of the American people within our own borders. No "Columnist," "interpreter" or "broadcaster" who misinterprets, misquotes or invents news out of a clear blue sky survives long. The good sense of the American people catches on to the fact that he is a perverter rather than a purveyor of news.

In the same way the American people soon lose confidence in the type of individual who seeks to stir up prejudice—prejudice against race, against religion or against color.

Thus I can conceive of no permanent danger within our country, even though great temporary harm is often done to our national welfare by such people. The average American citizen realizes that in most cases their principal motive is to seek notoriety either for the sake of notoriety itself or because they are paid large sums of money by people who have special axes to grind.

There is a real danger—a permanent danger, however—in news stories which might originate in the United States and be directed by foreign agencies to the citizens of other nations. The people of other nations are not as familiar with our own background as we are and the most fantastic stories about what is going on within the United States are readily believed by foreigners when they hear these stories over the short wave or read them as so-called news stories in their newspapers. They get wholly erroneous ideas not only about facts in the United States, but also about public opinion in the United States. The result is that these foreigners, because of false impressions, become less friendly to us and make it more difficult for us to maintain or to make friendships with them. This affects, of necessity, what we call our American relationship to international affairs as a whole.

I do not have to cite instances or to give illustrations. I do not have to name names. You are just as aware as I am that within the past few years there have been newspaper columnists and radio commentators whose words have been hailed with glee in certain portions of the earth as proof that the United States is friendly to certain principles of international conduct, which, as a matter of fact, the overwhelming majority of Americans dislike and abhor.

To say that false news of this kind emanating from the United States does harm not only to us but to civilization as a whole is putting it mildly. But that does not mean that the time has come for Government censorship over such false news.

It is obvious that those who operate international broadcast stations have a very definite public duty to keep their programs free from false news. Definitely this is their duty—and definitely the Government is watching and will continue to watch with great interest to see whether those in control of these stations continue to observe this public obligation. International broadcasting is but a single aspect of this problem. It is my information that international broadcasting by American stations, largely because of the accuracy of their reports, are relied upon by constantly increasing numbers of foreign listeners. While it is a sad commentary on our civilization that harried citizens elsewhere under the penalty of incarceration or worse must obtain accurate news from without their borders, you international licensees are performing a genuine service for them. Free men everywhere, I hope, will continue to crave truth even if they must bootleg it.

Although I am not familiar with them in detail, I know that the networks and many independent stations have developed enlightened policies dealing with religion, political discussions and commercial continuities. One specific policy which impresses me with radio's own recognition of its stewardship is that which prohibits the sale of time for propaganda purposes. To permit the individual or group with the greatest financial resources to utilize radio to peddle their own particular brand of social or economic philosophy would be a grave mistake for radio. Among other things, it would deny equality to groups with lesser resources.

In dealing with radio, the White House in 1933 adopted and has maintained a policy of equal treatment of networks and stations. When the President speaks, the microphones of any responsible broadcasting organization may seek and obtain their place on his desk. Certain restraints have, as a matter of necessity, been imposed in the relationships of radio to the White House. For example, we have insisted that radio announcers in dramatized news broadcasts or otherwise refrain from imitation of the President's voice, unless specifically authorized with a direct quotation and appropriate explanation that it was not the President speaking. It had been our experience that such imitations resulted in deception and after such a broadcast the White House mail was heavily loaded with inquiries of bewilderment.

The myth of censorship and the fallacy that broadcasters goose-step to official pressure seem to a sideline observer to be the twin bogey-man of radio. In my opinion freedom from official censorship, freedom from domination by any administration or political party rests with the radio itself. So long as its operations reflect the "doctrine of fair play" as expressed by the provision of the statute governing political broadcasts, so long as programs are interesting, informative and clean—in brief so long as radio serves democracy, it will remain free.

I belong to what may be the old-fashioned school in that I believe a reporter should stick to the facts with appropriate elucidation to make the news understandable and let his reader or listener reach his own conclusions. And I like that portion of your proposed code which says:

"If a broadcaster devotes a reasonable amount of time to fair and two-sided discussion of controversial public issues, using representative speakers to give differing points of view, he is providing debate and the expression of opinion on controversial issues in a far more effective way than it can possibly be provided by one or even a handful of commentators, regularly expressing personal points of view on every conceivable subject."

Let me speak in conclusion of my own amazement of the growth and development of this industry. It is an old story to you but fascinating to those not engaged in broadcasting to contemplate the fact that in 15 years more than 81 per cent of our families have acquired radio sets. That broadcasting must have done a good job is further evidenced by the fact that these sets are in use almost five hours a day. Through the medium of network systems more than 90 per cent of our population can listen to the voice of their President or his critics, hear the greatest in music and the drama; and the world is brought to our door. Contrasted with what has been done in other countries, we are convinced that the pattern adopted in America not only is the most consistent with our democratic traditions but affords the greatest opportunity for the development of a superior service.

No one can predict when radio will become of age because the miracles of science apparently have no boundaries. Of this much I am certain—radio in the hands of private enterprise has done amazingly well. With the government assuring free competition in the service to our people, with that sense of public responsibility your codification efforts imply, with that awareness to needs of scientific research you have manifested, there is every reason for you to receive the continued and enthusiastic support of the public—that ultimate tribunal of success.

Congratulations!

Adoption of the new code was received favorably by both press and public. The clause outlawing controversial questions from paid time, for elimination of any attack upon race or religion, met with the widest public support. The women's organizations of the country were enthusiastic about the children's platform and sent in to the convention wires of commendation. Several of these are published below.

NEVILLE MILLER
HOTEL AMBASSADOR
ATLANTIC CITY, NEW JERSEY

Heartiest congratulations to you and the National Association of Broadcasters upon new code for children's programs. Stop. I have every confidence that only great good will result for our children, their parents and the future of our democracy.

DOROTHY GORDON
Sunapee, New Hampshire

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NEVILLE MILLER
HOTEL AMBASSADOR
ATLANTIC CITY, NEW JERSEY

All of us interested in the best development of radio in the world today are delighted with the proposed code of the National Association of Broadcasters. We congratulate you on your masterly formulation and wish you all success in your efforts.

SIDONIE MITSNER GRUENBERG, *Director,*
Child Study Association and Chairman,
Parent Education, Committee of National
Advisory Council on Radio in Education.

* * * *

NEVILLE MILLER
HOTEL AMBASSADOR
ATLANTIC CITY, NEW JERSEY

Congratulations on code adoption. We represent hundreds of thousands of parents and children who will benefit and be grateful.

DOROTHY L. MCFADDEN,
Junior Programs, Inc.,
New York City.

* * * *

NEVILLE MILLER
HOTEL AMBASSADOR
ATLANTIC CITY, NEW JERSEY

Warmest congratulations on code for children's programs. Altogether admirable.

MARY GOULD DAVIS,
New York City.

* * * *

NEVILLE MILLER,
HOTEL AMBASSADOR,
ATLANTIC CITY, NEW JERSEY

Congratulations to you and your board upon the splendid success of your conference and the establishment of the code system. As National Radio Chairman of the National Society New England Women, Radio Committee member of the National Federation of Press Women and member of the Women's National Radio Committee, I express my deep appreciation of your cooperation.

DOROTHY M. LEWIS,
Laconia, New Hampshire.

Neville Miller,
Hotel Ambassador,
Atlantic City, New Jersey

Delighted to read of convention's approval of code for broadcasting ethics. This is a forward step in radio and reflects much credit on the National Association of Broadcasters.

Mrs. William Corwith, *National Radio Chairman, American Legion Auxiliary.*

* * * *

Neville Miller,
Hotel Ambassador,
Atlantic City, New Jersey

Congratulations on passage of revised code a tremendous stride was taken to keep radio within the framework of our free enterprise system and yet serve the public interests. On behalf of the general Federation of Women Clubs who have worked consistently for better children radio programs. I want to thank you in particular. Democracy and decency go forward again. Congratulations.

Lucy R. Milligan, *Chairman of Radio.*

STUDEBAKER PRAISES BROADCASTING FOR NEW PROGRAM STANDARDS

In an address, "What the Federal Radio Education Committee Means to the American System of Broadcasting," Dr. John W. Studebaker, U. S. Commissioner of Education, congratulated the broadcasters on the adoption of a code and praised the improving relationships between radio and education generally. He stated that we had much in common; that the purpose of education in a democracy was to preserve the "right to learn"; and that radio as perhaps the most formidable channel for the distribution of information and knowledge was making substantial contributions to the American way of life and was insuring the American public of the "right to learn."

Dr. Studebaker pointed out the purposes of the Federal Radio Education Committee and explained the contributions it would make to both education and radio in uncovering valuable information for the benefit of both groups.

Dr. Leonard Power, research coordinator of the FREC, detailed the research project being carried on at Princeton University and Ohio State, which is being financed by a joint fund contributed by two educational foundations and the broadcast industry through the NAB.

MOVIE CODE ADMINISTRATOR ADDRESSES CONVENTION

Carl E. Milliken, secretary of the Motion Picture Producers and Distributors of America, Inc., described the operation of the movie code at a convention luncheon on Tuesday. He urged the broadcasters to profit by the experience of the movies by setting their program standards just a little higher than the public demanded. In this way, he said, the industry could not only reflect but develop the tastes of its listeners. He also suggested that the industry attempt to educate the listeners to accept better programs, thus doing its share to raise the nation's cultural standards. Administration of any code called for a strong personality, he said, adding that he was certain that the NAB had such in Neville Miller.

MILLER, HAYS AND STAHLMAN MAKE JOINT BROADCAST

For the first time in history, leaders of radio, movies, and press jointly gave the American people an accounting of the services of these three great "Mirrors of America," in a broadcast Wednesday night. Neville Miller spoke from Atlantic City; Will Hays spoke from Hollywood; James G. Stahlman, retired president of the American Newspaper Publishers Association, spoke from London.

All three stressed the public obligations of their medium. All three asserted that only freedom could insure the fulfillment of these obligations to the best interest of the people.

Television

The NAB invited Orrin E. Dunlap, Jr., veteran radio editor of the New York *Times,* to tell the convention what had happened in the field of television and how he thought it would develop in the immediate future.

Because of illness, Mr. Dunlap was unable to attend the convention but sent the following statement which was read to the delegates.

Television is making progress in New York, but slowly. It is like the baby who has taken a few steps and rather chestily looks westward as if it might be no trick to walk right across the map to San Francisco. But the parents know that when the youngster goes to California he'll probably fly, not hike. So with television today. It is toddling around New York. It can't walk to the Pacific. It must fly. But it cannot fly until there is a wire or a national radio relay system on which to travel.

Those in telecasting today are asking when the others are coming in to help them carry the load. The pioneer already feels the burden. He's afraid that he will not be appreciated until years from now, when monuments or plaques may be erected. Pioneering is often a thankless task. Trail blazers meet the obstacles and opposition. So it is with the telecaster. His road through the air is no easier than that of the covered wagon, the iron horse or the clipper planes. Nevertheless, pioneering made their achievements possible. A dozen years separated Lindbergh's flight to Paris and the transatlantic Dixie Clipper's passenger carrying schedule that puts America and Europe a day and a night apart. Progress in television may seem slow, but each day finds the images dancing nearer to the homes.

From the broadcaster's standpoint there is a vital question to be answered before he can hope to get revenue from telecasting. Who will pay for the programs? It may be from three to five years before that answer is available. Because of tradition in broadcasting, the quick answer is sponsors. But can they afford it? And will the public tolerate advertising on television? The eye in its likes and dislikes differs from the ear. The eye can "tune out" even the most subtle visual advertising on the screen by a turn of the head or a drop of the eyelid. The ear has no such guards.

The toughest row to hoe in television is to get the first 100,000 sets in homes. Then many of the present riddles will be answered; public reaction will be known.

Television has been called a $13,000,000 "If." The question is how to sever the "If" and let the 13 million grow.

First, programs must be of such calibre that the Joneses will be surprised to learn that they are missing pictures the Smiths are seeing. Before this can happen the price of television sets must be within range of the average pocketbook. Telecast stations must be on the air in cities other than New York.

The optimist in television must be fully aware of the intricate problems ahead. For one who has seen so much magic performed by radio since 1912, it is easy after seeing scenes from a Broadway play, a baseball game, and a prize fight by television to realize that it has a tremendous future—that some day it will be a great industry.

It is true that television has not made the splash in New York that some expected. They overlooked certain factors, now more apparent since programming has been in effect on a regular schedule for two months. The optimistic figure of 100,000 television sets being sold by Christmas is being whittled drastically. 10,000 would be a big surprise. Nevertheless, progress is being made.

From all indications it will be the autumn of 1941 at the earliest before television really gets up steam in the New York area. Telecasters have two years of agony ahead. In that period the showmen will learn more about their art, which incidentally, is not merely Hollywood plus broadcasting. Television is an art in itself.

Furthermore, and this is vital, before the public takes to television, prices must be reduced or present radios converted to receive telecasts without much expense. The public is greatly interested in television, but can't afford it.

Listeners who have become accustomed to plucking their entertainment from the air with an instrument costing less than $100, and in the majority of cases much less, are not likely to take to television at a cost of $500. They can listen in or go to the movies cheaper than that. Therefore, prices must be lowered, and they will be as mass production has a chance to operate. But in any case it is going to cost more to see and to hear than merely to listen by radio.

Broadcasting, of course, flamed as a national craze and became a pastime because it was simple and inexpensive. Radios could be built at home. It was a new fun. But that's a story you all know. The question now is what effect is television to have on broadcasting? There are so many angles to the subject that I shall try to stick to the text "What is to be the fate of the broadcasters and their millions invested?"

That question has been put also in regard to the stage and screen. Broadcasting will be more directly affected by television than will Hollywood or the theatre. Television is just another motion picture, but it is a broadcast picture. It's in the air on wavelengths and that's where you are. It appeals directly to your audience and therefore to hold them, eventually you must add sight to sound. Your future as broadcasters is in ultra-short waves. Just as amusement centers shift, also shopping, residential, publishing and transportation terminals, so too will broadcasting's center of entertainment shift to keep pace with progress. It will go below ten meters. In years to come the present broadcast band may be abandoned like an old theatre after the shows moved uptown to a modernistic, bright-light street glorified by a shift in the population.

The radio population, however, has nothing to fear. Broadcasters will make it as convenient as possible to take them along. Ultra-short wave converters will avert obsolescence of the existing radios. They will continue in use until gradually they are replaced by popularly priced combination tele-radios attuned to ultra-short waves.

But how can all this happen when television isn't national? It will be either through an ingenious wire network or through automatic ultra-short wave bouncer stations located fifteen or twenty miles apart. If the wires cannot do it radio will take the network problem into its own hand. It can be done.

Gradually broadcasting will move into the ultra-short wave spectrum. To be sure, for many years the regular broadcasters will begin to feed the same programs into the ultra-short wave channels to accommodate the modern audience and to fill in while there are no television shows on the air. In addition special sound programs will be offered, new acts and talent developed on the tiny waves. You as broadcasters are by no means to be supplanted; you are to be kept busier than ever running a two or three ring circus. You may have to go into the film making business to create short attractions of your own for telecasting. But remember, on the air there is a second handedness to films. Already it has been learned in New York and London that televiewers prefer live shows and surprising as it may seem a drama that runs for more than an hour is a big hit, if properly staged. But, or course, the headline television act of acts is the topicality or actuality as they call them in London; events as they happen as they call them in New York.

Television is an intimate medium; it's a parlor show and the actors who come into the family circle to perform successfully are those who have a friendly approach. Television is no glamour medium. The keynote is the same as in broadcasting—be natural.

People have heard much about television in the past ten years. Few of them have seen it. In New York, daily, more are viewing the images and I have yet to talk with an initiate who does not express amazement at what television can do. They never suspected telepictures could be so clear. They would like to have a tele-set in their homes but it is the price and the fear that tele-sets will change radically within a year or two that keeps them away. When the signs appear that those two factors, high prices and quick obsolescence, are to be removed, that will be the cue to broadcasters that their audience is beginning the mass march into the ultra-short wave field. That may be five years from now. Nevertheless, this is the time to stake the ultra-short wave claims and prepare for the exodus from 550-1600 kilocycles into the promised land. There is little static or fading there. Tonal quality is excellent, because of the wide wave path available. If you want to see yourself in the mirror of the future listen to Armstrong's staticless, ultra-short wave system. Until then you haven't heard radio perfection.

With television will come greater use for facsimile as a supplemental service. Television is a fleeting picture. Facsimile leaves a permanent record. To date it is more or less of a ticker service. It is not amusement. Therefore it has not caught with the public. Furthermore, it is rather slow and expensive. It lacks the spontaneity of broadcasting. But as new apparatus and tubes are evolved to perfect the use of ultra-short waves, facsimile will come into its own. It needs a satisfactory paper that will print by an electrical touch, not by ink. Many uses for this facsimile machine of the future can be seen, one of which is likely to be an attachment to the television set to print the program, synopsis of the shows, biographical facts about speakers and summaries of events seen and to be seen on the air.

It is not too much to expect that television sets will be equipped with a bell or whistle actuated by a master signal from the transmitter. It will call the family to the tele-room for a special event or to warn when the curtain is going up. Radio becomes more automatic. But even then it gives you more to think about. Yours is an unending business, unlimited, and there is not the slightest chance in the world of the progressive broadcaster being supplanted. But the day is not so far away when he cannot be classed as a leader if he operates only a sound theatre when just around the corner on another wavelength his competitors are offering illustrated sound. Today it may seem that television is creeping at the pace of a glacier. But by 1950 broadcasters will be deep into ultra-short waves and television. The ice age will not last forever.

Now, there is one more factor to be watched. War threats hang over Europe. Storm signals flutter around the world. The bugle call would stop television's march toward the home, but after a conflict television would emerge greatly advanced. Broadcasting was a so-called by-product of the World War. Whether history is to repeat in television is something to be considered.

ANDREWS SAYS BROADCASTING GIVES "VERY LITTLE TROUBLE"

Elmer F. Andrews, Wage and Hour Administrator, told the NAB convention that "the radio industry is giving us very little trouble."

Since the Wage and Hour Act went into effect last October 24, the Administrator has received 18,000 complaints of violation, he said, and only 12 of these were against radio—and that included radio manufacturing as well as broadcasting.

Mr. Andrews pointed out that the broadcasting business should profit from the Wage and Hour Act despite slight inconveniences in its application to broadcasting employees. By increasing the wage of low pay workers throughout the country, the Act should increase the demand for consumer goods and consequently the volume of advertising, he said.

"Undoubtedly you wish to know just how definitely the Fair Labor Standards Act affects you. Well, you are under the law. I think there is no room for argument there. You are covered by the definition written into the Act itself that 'commerce means trade, commerce, transportation, transmission, or communication among the several states or from any State to any place outside thereof.' You are certainly engaged in 'communication,' and transmission, too, I take it, so that brings you in.

"However, so far as the application of the 25-cents-an-hour minimum wage to the industry is concerned, the discussion is somewhat academic. Radio is a high wage industry. I am informed that the average wage in radio is somewhat more than $45 a week, and that certainly takes you out of the sweatshop class.

"Persons employed in a bona fide executive, administrative or professional capacity are exempt from the Wage and Hour Provisions. The Act requires the Administrator to define these terms. We have struggled with the problem and with the help and advice of both employers and employees have defined them in our regulations.

"I should like to add, however, that any person wishing a revision of any of the terms of the regulations may petition the Administrator who will either arrange for hearings or make some other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In the absence of any petition for change in the regulations applicable to professionals, I assume that the radio industry has not found them too burdensome and has been able to adjust its operations to the requirements. At least I certainly hope that is the case."

After his talk, Mr. Andrews answered numerous questions about the application of the Act to broadcasting employees. All of his answers were in line with opinions and interpretations which have been sent to all members by the NAB Labor Relations Department.

REGISTRATION 655

Total registration at the Seventeenth Annual Convention was 655.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of KGDE, **Fergus Falls, Minnesota,** for renewal license and also license renewal of Experimental Relay Stations KIIV and W10XBH, Fergus Falls. Station KGDE operates on **1200 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

Application of KROY, **Sacramento, California,** to increase its operation from daytime to unlimited time has been granted by the Commission. The station operates on **1210 kilocycles,** 100 watts power.

The Commission granted the application of KSAN, **San Francisco,** for a license renewal operating on **1420 kilocycles,** 100 watts, unlimited time, and assignment of station's license to The Golden Gate Broadcasting Corporation and dismissed the application for assignment of construction permit to change transmitter site of Station KSAN and install new antenna.

Application of WKAQ, **San Juan, Porto Rico,** for renewal of license was granted by the Commission. The station operates on **1240 kilocycles,** 1000 watts, unlimited time.

The Commission has granted the application of Richland, Inc. for a construction permit for a new station at **Mansfield, Ohio,** to operate on **1370 kilocycles,** 250 watts, daytime only.

The application of the Coastal Broadcasting Company for a construction permit for a new station at **Brunswick, Georgia,** to operate on **1500 kilocycles,** 250 watts LS, 100 watts night, unlimited time has been granted by the Commission.

The Commission has granted the application of the Northwest Broadcasting Company for a construction permit to erect a new station at **Fort Dodge, Iowa,** to operate on **1370 kilocycles,** 250 watts LS, 100 watts night, with specified hours of operation.

The application for consent to transfer control of Broadcasting Station WHBB, **Selma, Alabama,** from the Selma Broadcasting Company, Inc. to Bascom Hopson has been granted by the Commission. The station operates on **1500 kilocycles,** 100 watts, unlimited time. Commissioner Thompson did not participate in this decision.

The Commission has granted the application of KRBA, **Lufkin, Texas,** to make changes in its transmitting equipment and increase its daytime power from 100 watts to 250 watts.

The application of the Pennsylvania Newspaper Company for consent to transfer the control of WWSW, **Pittsburgh,** from Walker & Downing Radio Corporation to the P. G. Publishing Company has been granted by the Commission. The station operates on **1500 kilocycles,** 100 watts, 250 watts LS, unlimited time.

The Commission granted the application of WJAC, **Johnstown, Pa.,** to change its assignment from sharing time with WFBG on **1310 kilocycles,** 100 watts night, 250 watts day, to unlimited time.

The Commission granted the application of WHMA, **Anniston, Alabama,** to operate unlimited time on frequency **1420 kilocycles,** instead of daytime only, using 100 watts power.

The application of WFBR, **Baltimore, Md.,** for a special experimental authorization for a satellite station to operate on **1270 kilocycles** with power output of from 10 to 100 watts, unlimited time, to be located at **Frederick, Md.,** and to operate synchronously with Station WFBR was denied by the Commission.

The Commission granted the application of the Greenville Broadcasting Company for the erection of a new station at **Greenville, North Carolina,** to use **1500 kilocycles,** 250 watts, daytime.

The Commission granted the application of J. Samuel Brody for the erection of a new station at **Sumter, South Carolina,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time, and in the same decision the Commission denied the application of WIS, **Columbia, South Carolina,** for special experimental authority to operate a satellite station at Sumter, South Carolina synchronously with WIS.

PROPOSED FINDINGS OF FACT

The Federal Communications Commission announced its Proposed Findings of Fact proposing to grant the application of the Southern Oregon Broadcasting Company for the erection of a new station at **Grants Pass, Oregon,** to use **1310 kilocycles,** 100 watts, unlimited time.

The application of KAND, at **Corsicana, Texas,** to increase its power to 100 watts night on **1310 kilocycles** is proposed to be granted by the Commission in a Proposed Findings of Fact. The new station now operates 100 watts daytime only.

In a Proposed Findings of Fact the Commission proposes to deny the application of KRRV, **Sherman, Texas,** to move its transmitter locally, to install new equipment, including a directional antenna, and to operate the station on **880 kilocycles,** unlimited time, with 1000 watts. The station now operates on **1310 kilocycles,** 250 watts, daytime only.

The application of KPLT, **Paris, Texas,** to change its assignment from 250 watts daytime on **1500 kilocycles** to unlimited time on the same frequency, with 100 watts night, 250 watts day, is proposed to be granted by the Commission in a Proposed Findings of Fact.

The Commission proposes to grant in a Proposed Findings of Fact the application of WHDF, **Calumet, Michigan,** to operate full time on **1370 kilocycles** instead of specified hours and renewal of its license. The station now operates 100 watts night, 250 watts LS. In the same Findings the Commission denies without prejudice the application of the Copper Country Broadcasting Company to erect a new station at **Hancock, Michigan,** to use **1370 kilocycles,** 250 watts day, 100 watts night, with specified hours of operation. The Commission states that this Company can file its application for a construction permit on another frequency.

The Commission proposes to grant in a Proposed Findings of Fact the application of the Suffolk Broadcasting Corporation to erect a new station at **Suffolk, Virginia,** to use **1420 kilocycles,** 100 watts night, 250 watts day, unlimited time.

The application of the Spartanburg Advertising Company to erect a new station at **Spartanburg, South Carolina,** to use **1370 kilocycles,** 100 watts night, 250 watts LS, unlimited time, is proposed to be granted by the Commission in a Proposed Findings of Fact.

The Commission proposes to deny the application of the Brown County Broadcasting Company for the erection of a new station at **Brownwood, Texas,** to operate on **990 kilocycles,** 1000 watts, daytime only.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings are scheduled to be held at the Commission during the week beginning Monday, July 17.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

September 13

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Special Experimental Authorization. **1420 kc.,** 250 watts night, 1:05 to 2:15 a. m., CST.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., **1270 kc.,** 1 KW. Unlimited time (DA night). Present assignment: **1420 kc.,** 100 watts, 250 watts, LS, unlimited time.

NEW—Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—C. P., **1310 kc.,** 100 watts, 250 watts, LS, unlimited time.

September 26

KNEL—G. L. Burns, Brady, Tex.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 250 watts, daytime.

WSPR—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Mod. License, **1240 kc.,** 250 watts, 500 watts LS, unlimited time. Present assignment: **1140 kc.,** 500 watts, limited time—KVOO, WAPI.

September 27

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—C. P., **1420 kc.,** 100 watts, 100 watts LS, unlimited time.

October 9

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW, LS, unlimited time. (Requiries facilities of WAAB.)

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal License (Main & Auxiliary), **1410 kc.,** 1 KW, 1 KW LS (Main) *500 watts, 1 KW LS (Auxiliary), unlimited time.

* Auxiliary purposes only.

October 23

WCBS—WCBS, Inc., Springfield, Ill.—C. P., **1290 kc.,** 500 watts, 1 KW LS, unlimited time. (DA-night). Present assignment: **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Tom M. Bryan, Ft. Lauderdale, Fla.—Granted C. P. for a new broadcast station, to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time.

NEW—W. B. Dennis, Plainview, Texas.—Granted C. P. for a new broadcast station to operate on **1200 kc.,** 100 watts, daytime only.

NEW—W. G. H. Finch, New York City.—Granted license for new high frequency broadcast station to use the equipment now licensed for Development Broadcast Station W2XBF, to operate on frequency **42180 kc.,** experiment conditionally; 1 KW.

WIBC—Glenn Van Auken, Indianapolis, Ind.—Granted consent to transfer control of Indiana Broadcasting Corp. (WIBC), to H. G. Wall. (Station operates on **1050 kc.,** 1 KW, daytime only.)

WGN—WGN, Inc., Chicago, Ill.—Granted extension of special authority for transmission of facsimile signals over the regular broadcast transmitter of WGN during the experimental period between 1 and 6 a. m., CST, from August 1, 1939, to February 1, 1940.

WHO—Central Broadcasting Co., Des Moines, Ia.—Same except transmitter of WHO, and from 12 midnight to 5 a.m., CST.

WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Same except transmitter of WSM.

WLW—The Crosley Corp., Cincinnati, Ohio.—Same except transmitter WLW.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Same except transmitter of WOR, and from 1 to 6 a. m., EST.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW from sunset at KPO to 11 p. m., EST, using DA after sunset, for the period August 1, 1939 to February 1, 1940.

KWOC—Don M. Didenton and A. L. McCarthy, Poplar Bluff, Mo.—Granted voluntary assignment of license from Don M. Didenton and A. L. McCarthy to A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC.

NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted C. P. for new high frequency broadcast station; frequency **26300 kc.** on an experimental basis only, conditionally; 1 KW.

KANS—Charles C. Theis, Wichita, Kans.—Granted authority to transfer control of corporation (The Kansas Broadcasting Co., licensee of station KANS), from Charles C. Theis to stockholders (To Herb Hollister).

NEW—Don Lee Broadcasting System, Los Angeles, Cal.—Granted C. P. for new portable-mobile television relay station on an experimental basis, to operate on frequencies **156000-162000 kc.;** 100 watts.

WSPR—Connecticut Valley Broadcasting Company, Springfield, Mass.—Granted assignment of license to WSPR, Inc., **1140 kc.,** 500 watts night and day, limited time.

WGRM—Ben Farmer, Wilson, N. C.—Granted transfer of control of WGTM, Inc., licensee of station WGTM, to H. W. Wilson, Charlotte L. Burns and George C. McDonald.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted voluntary assignment of license to WFBM, Inc.

WNEI—Indianapolis Power & Light Co., Portable-Mobile (Area of Marion County, Ind.).—Same for relay station.

WIPM—Indianapolis Power & Light Co., Portable-Mobile (area of Marion County, Ind.).—Same for relay station.

WILP—Indianapolis Power & Light Co., (area of Indianapolis, Ind.).—Same for relay station.

W9XXM-W9XXZ—Indianapolis Power & Light Co. (area of Indianapolis, Ind.).—Same for relay station.

WNEI—Indianapolis Power & Light Co. (Portable-Mobile, area of Marion County, Ind.).—Granted voluntary assignment of C. P. for relay broadcast station to WFBM, Inc.

NEW—WSPB, Inc., Sarasota, Fla.—Granted C. P. for new station in Sarasota, Fla., to operate on **1420 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WAPI—Alabama Polytechnic Institute, University of Alabama, Etc., Birmingham, Ala.—Granted renewal of license for the period August 1, 1939, to February 1, 1940.

WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority to operate unlimited time, using DA day and night, for the period August 1, 1939, to February 1, 1940.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authorization to operate on **1100 kc.,** with 10 KW power, unlimited time, employing DA for nighttime operation, for the period August 1, 1939, to February 1, 1940.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate synchronously with KFAB from local sunset at Lincoln, Nebr., to midnight, for the period August 1, 1939, to February 1, 1940.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, for the period August 1, 1939, to February 1, 1940.

NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Granted C. P. for new station to operate on **1370 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate on frequency **710 kc.,** with 1 KW, unlimited time, for the period August 1, 1939, to February 1, 1940.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Hazlewood, Inc., Orlando, Fla.—Application for C. P. to erect a new station to operate on **1390 kc.**, 1 KW day and night, unlimited time.

WNYC—City of New York, Municipal Broadcasting System, New York City.—Application for modification of license to increase time of operation from daytime-WCCO to S.H. 6 a. m. to 11 p. m., EST. (To be heard before the Commission.) Application designated for hearing as the request violates Rules 116 and 117, and would cause interference to existing stations.

NEW—Harold Thomas, Bridgeport, Conn.—Application for C. P. for new station to operate on **1310 kc.**, with 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WNBX—Twin State Broadcasting Corp., Springfield, Vt.—Application for C. P. to move station approximately 27 miles to Keene, N. H., install DA system for day and nighttime operation, and operate with 1 KW night and day employing DA system for both day and night. Exact studio site to be determined with Commission's approval. (Application designated for hearing to determine if interference might result.)

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Application for C. P. to make changes in equipment, install DA system for nighttime operation, and change frequency from **1350 kc.** to **630 kc.** (Application designated for hearing to determine the question of interference, and pending applications involve increase in service.)

NEW—George Penn Foster, Maxwell Kelch and Clavert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Application for C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Application for new station to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Application for C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WRUF—University of Florida, Gainesville, Fla.—Application for C. P. to move transmitter and studio sites locally; make changes in equipment; install DA system; and increase power and time of operation from 5 KW, limited, to 5 KW night, 10 KW day, unlimited, DA system after sunset at Denver. (Application to be heard before the Commission, and designated for hearing because request violates Rule 116.)

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Application already in docket amended so as to request C. P. to move transmitter site from 319 Ave. A., San Antonio, to site to be determined in San Antonio, subject to Commission's approval; changes in equipment and installation of antenna system; change in frequency from **1370 kc.** to **930 kc.**, and power from 100 watts night, 250 watts day, S-KONO, to 1 KW day and night, unlimited time. (Application designated for hearing to determine question of interference, and pending applications involve increase in service.)

WINS—Hearst Radio, Inc., New York City.—Application for voluntary assignment of license from Hearst Radio, Inc., to Metropolitan Broadcasting Corp. (station operates on **1180 kc.**, 1 KW, limited time). Application designated for hearing to determine relationship between proposed owner and the owner of other stations in the New York area.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending February 1, 1940:

KDKA and Alternate, Pittsburgh, Pa.; KFBI, Abilene, Kans.; KFEQ, St. Joseph, Mo.; KGDM, Stockton, Cal.; KGO and auxiliary, San Francisco; KJBS, San Francisco; KJR and auxiliary, Seattle; KMMJ, Grand Island, Neb.; KNX, Los Angeles; KRLD, Dallas, Texas; KSL, Salt Lake City; KSOO, Sioux Falls, S. Dak.; KTKC, Visalia, Cal.; KVOO, Tulsa, Okla.; KWKH, Shreveport, La.; KXA, Seattle; KYQ, Philadelphia, Pa.; WABC-WBOQ, New York City; WBAL, Baltimore, Md.; WBAP, Fort Worth, Texas; WBZ, Boston, Mass.; WBZA, Boston; WCAL, Northfield, Minn.; WCBD, Chicago; WCCO, Minneapolis; WDGY, Minneapolis; WDZ, Tuscola, Ill.; WEAF and auxiliary, New York City; WEAU, Eau Claire, Wis.; WEEU, Reading, Pa.; WENR, Chicago; WEW, St. Louis, Mo.; WFAA, Dallas, Tex.; WGAN, Portland, Maine; WGN, Chicago, Ill.; WHAM and auxiliary, Rochester, N. Y.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston; WHEB, Portsmouth, N. H.; WHO, Des Moines, Ia.; WIBG, Glenside, Pa.; WINS, New York City; WJJD, Chicago; WJR and auxiliary, Detroit, Mich.; WJZ and auxiliary, New York City; WLAW, Lawrence, Mass.; WLB, Minneapolis; WLS, Chicago; WLW, Cincinnati, Ohio; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago; WNYC and auxiliary, New York City; WOAI and auxiliary, San Antonio, Texas; WOI, Ames, Iowa; WOR and auxiliary, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPTF and auxiliary, Raleigh, N. C.; WSB and auxiliary, Atlanta, Ga.; WSM and auxiliary, Nashville, Tenn.; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WWL, New Orleans, La.; WWVA and auxiliary, Wheeling, W. Va.

W2XQO—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940.

MISCELLANEOUS

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Adopted an order extending the effective date of Provision (3) of the Commission's Order of December 5, 1938, 90 days from July 4, 1939.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass. —Granted petition to intervene on the issues as stated by the Commission in notice of designation in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester, Mass., to operate on **1200 kc.**, 100 watts night, 250 watts LS, unlimited time.

WRBL—Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted petition to intervene on the issues as stated by the Commission in notice of designation in the hearing on the application of Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala., for a new station to operate on **1370 kc.**, 100 watts night, 250 watts LS, unlimited.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted applicant's petition for leave to amend application by a change in name to Capital Broadcasting Co., Inc., in re application for modification of license to change hours of operation from daytime to unlimited, using **1210 kc.**, 100 watts.

KNEL—G. L. Burns, Brady, Tex.—Granted applicant's motion to postpone hearing scheduled for July 11 on application for modification of license to change hours of operation from daytime to unlimited, using **1500 kc.**, 100 watts night, 250 watts LS, new date to be fixed by Secretary's office.

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Granted applicant's petition for continuance of hearing from July 12 to July 15.

KRLH—Clarence Scharbauer, Midland, Texas—Granted applicant's motion for leave to amend application to eliminate request for increased daytime power; hearing scheduled for July 14 cancelled, new date to be fixed by Secretary's office.

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to move transmitter site from Bellmore, N. Y., to Port Washington, N. Y., and install vertical radiator in accordance with specifications for marking of the vertical radiator.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of Radio Station WENR at Downers Grove, for the period July 14 to August 12, 1939, until new antenna can be put up at WBBM's location.

W8XUJ, W8XNU—The Crosley Corporation, Cincinnati, Ohio—Granted extension of special temporary authority to use facsimile broadcast (experimental) Station W8XUJ and high frequency station W8XNU at Carew Tower for period July 9 to Aug. 7, 1939, in order to complete radiation tests to determine whether or not shielding is needed in television rooms and also to make survey of Station W8XNU to determine coverage of this frequency from Carew Tower location.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted special temporary authority to operate with directional antenna, 50 KW power, from 6 a. m. to one hour before sunset, for period not to exceed ten days, in order to make proof of performance measurements in accordance with C. P. granted November 28, 1938.

WAID—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application with 20 watts power on **2830 kc.** from 10 a. m. to 7 p. m., EST, for a period July 12 to July 15, 1939, in order to broadcast Junior Amateur Golf Tournament.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate from local sunset (July, 7 p. m., CST) to the conclusion of "All Star" baseball game to be played on July 8, using 50 watts only.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted special temporary authority to rebroadcast the transmissions from Naval Reserve Plane J2F3 #1572, from 10 p. m. to 11 p. m., CDST, on July 9, operating on frequency **6690 kc.**

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on July 9, 16, 23, 30, in order to broadcast baseball games; to operate from 9 to 11 a. m. and from 2 to 6 p. m., July 25, and from 10 p. m. to 1 a. m., July 26, in order to broadcast activities pertaining to arrival of American forces to Puerto Rico in 1898.

WJJD—WJJD Incorporated, Chicago, Ill.—Granted extension of special temporary authority to operate from 5 a. m. to 6 a. m., CST for the period 3 a. m., EST August 1, to Sept. 23, 1939, in order to conform with the adoption of daylight saving time in Chicago; granted on a temporary basis only and is subject to revocation by Commission without prior notice or hearing.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Oregon—Granted extension of special temporary authority to operate on **1040 kc.**, limited time, and resume operation from 9 p. m. to 3 a. m., PST, for period 3 a. m., EST, August 1, to 3 a. m., EST, February 1, 1940.

WGTM—WGTM, Incorporated, Wilson, North Carolina—Granted special temporary authority to operate from local sunset (July 7:30 p. m. EST) to 12 midnight on July 18, 19, and 20, 1939, in order to broadcast the Third annual North Carolina Tobacco Exposition and Festival.

WIXOK—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate relay broadcast experimental station W1XOK on **133,030, 134,850, 136,810, 138,630 kc.**, power 250 watts, in accordance with Sec. 40.04, in order to carry out the program of experimentation outlined in the application for C. P. granted January 24, 1939, for the period July 12, 1939, to August 10, 1939.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m. and from 10:00 p. m. to 1:00 a. m. AST, for the period July 15, 1939, to July 23, 1939, in order to broadcast inaugural ceremonies of new studios.

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXC, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV, and W10XY, on the frequencies **31.22** and **37.02 mc.** in lieu of present assignments **31.1** and **37.6 mc.**, for the period July 19 to 3 a. m., EST, August 1, 1939, pending adjustment of relay broadcast frequency assignments above **30 mc.** as contemplated by General Order No. 19.

W2XDG—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency broadcast station W2XDG on the frequency **38.65 mc.**, pending effective date of new frequency allocation, for the period July 18 to 3 a. m., EST, August 1, 1939.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of Station W1XOJ authorized by modification of C. P. on frequency **43000 kc.**, power not to exceed 2000 watts, for period July 19 to August 17, in order to make necessary adjustments on equipment installed and for tuning and adjustments of antenna elements now assembled for erection atop 400-foot mast.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted extension of special temporary authority to operate WORC new directional antenna as authorized in B1-P-2270 during daylight hours for period July 11 to July 17, 1939, in order to facilitate equipment tests for proof of performance measurements.

W9XAI—The Journal Company (The Milwaukee Journal), Portable-Mobile area of Milwaukee, Wis.).—Granted application for C. P. for changes in equipment of high frequency relay broadcast station W9XAI and decrease in power from 50 watts to 25 watts, and to use certain frequencies listed under Group D of Section 41.03; frequencies **30820, 33740, 35820** and **37980 kc.**; granted conditionally.

W10XGC—National Broadcasting Co., Inc., Portable Mobile (Area of New York, N. Y.)—Granted application for C. P. for changes in equipment, decrease in power from 30 watts to 25 watts, and addition of A1 and A2 emission; frequencies **31220, 35620, 37020** and **39260 kc.**; granted conditionally.

W9XC—Central Broadcasting Co., Davenport, Iowa—Granted modification of C. P. for extension of completion date for construction from June 18, 1939, to September 18, 1939.

WFMJ—William F. Maag, Jr., Youngstown, Ohio—Granted modification of C. P. for extension of completion date from July 28, 1939, to Sept. 27, 1939.

WING—WSMK, Incorporated, Dayton, Ohio—Granted modification of C. P. to extend completion date for construction from July 1 to August 1, 1939.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted application for license to cover C. P.; frequency **1370 kc.**, power 100 watts, daytime only.

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted application for C. P. to install a new transmitter at its present transmitter location; frequency **1130 kc.**, power 50 KW, unlimited time.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted petition to reconsider and grant without a hearing the application for C. P. to increase daytime power of the station from 100 watts to 250 watts. This application was designated for hearing on January 20, 1939.

KOCA—Oil Capital Broadcasting Association, Kilgore, Tex.—Denied petition for rehearing in re application of KFRO, Voice of Longview, Longview, Tex., for C. P. to authorize change in frequency from **1370 kc.** to **1340 kc.**, power and hours of operation from 250 watts, daytime only, to 1 KW, unlimited time, employing DA at night; change transmitter site and install new transmitter, which was granted by the Commission on May 31, 1939.

NEW—North Shore Broadcasting Company, Salem, Mass.—Granted petition to reconsider and grant application for a new station without a hearing, to operate on **1200 kc.**, with 100 watts, unlimited time.

WKBO—The Telegraph Press, Inc., Harrisburg, Pa.—Reconsidered and granted without hearing the application for consent to transfer control of Keystone Broadcasting Corp., licensee of broadcast station WKBO, from the Telegraph Press, Inc., to J. H. Steinman and John F. Steinman.

WWNC—Asheville Citizen-Times Co., Asheville, N. C.—Denied petition for rehearing in re application of WOSU, Columbus, Ohio, for modification of license to increase power at night from 750 watts to 1 KW, on frequency **570 kc.**, with specified hours.

WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Denied petition for reconsideration of WOSU application referred to above.

World Wide Broadcasting Corp., Boston, Mass.—Denied petition requesting continuance of hearing now scheduled for July 14, in re Section 42.03(a), the rules in re international stations.

KOVC—KOVC, Inc., Valley City, N. Dak.—Denied petition of KOVC to dismiss without prejudice the application for C. P. heretofore set for hearing, and denied application for change in frequency and increase in power.

KFH—Radio Station KFH Co., Wichita, Kans.—Denied petitions of KFH and KANS for rehearing in re application of KFBI to move station from Abilene to Wichita, Kans., which was granted by the Commission on May 23, 1939.

NEW—Nebraska Broadcasting Co., Hastings, Nebr.—Granted C. P. for new station to operate on **1200 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.

W9XDV—National Broadcasting Co., Inc., Portable-Mobile (area of Denver, Colo.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XAI—National Broadcasting Co., Inc., Portable-Mobile (area of New York).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W9XAK—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XAX—National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XCG—National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted application for C. P. to make changes in equipment and increase power from 25 watts to 50 watts; granted conditionally.

W10XDX—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XDY—National Broadcasting Co., Inc., Portable-Mobile (area of Washington, D. C.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XDZ—National Broadcasting Co., Inc., Portable-Mobile (area of Washington, D. C.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XEA—National Broadcasting Co., Inc., Portable-Mobile (West Coast Area).—Same as above, except add to P.A.: **120000, 240000, 300000** and **330000,** and except WPO, West Coast Area.

W10XEB—National Broadcasting Co., Inc., Portable-Mobile (West Coast Area).—Same as above, except add to P.A.: **120000, 240000, 300000** and **330000,** and except WPO, West Coast Area.

KBTA—Red River Broadcasting Co., Inc., Portable-Mobile (area of Duluth, Minn.).—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.,** power 10 watts.

W9XTZ—Eugene P. O'Fallon, Portable-Mobile (area of Denver, Colo.).—Granted application for license to cover C. P. for new high frequency relay broadcast station to use frequencies listed under Group F of Section 41.03, power 0.8 watt, unlimited, under Sections 40.04 and 41.04, and to communicate as a relay broadcast station under Sections 41.01, 41.02(c), 41.03(b), and 41.05(b) to relay programs to applicant's broadcast station KFEL, Denver, Colo., where wire facilities are not available; granted conditionally.

NEW—South Nebraska Broadcasting Co., Hastings, Nebr.—Denied as in cases of default the application of South Nebraska Broadcasting Co. for a new station to operate on **920 kc.,** with 1 KW night, 5 KW day, unlimited time, because applicant failed to appear or present any evidence in support of its application.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Designated for further hearing to determine the citizenship of each of the officers, directors and stockholders of the applicant corporation.

KUMA—Albert H. Schermann, Flagstaff, Ariz.—Continued hearing now scheduled for July 24 to September 25, on the Order of Revocation of License of station KUMA.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Authorized Secretary's office to issue a corrected license to station KFJB changing the name from Marshall Electric Co., Inc., to Marshall Electric Company, inasmuch as the articles of incorporation filed with the Commission on April 18, 1932 show the company was incorporated in the name of Marshall Electric Co., although applications have been inadvertently filed in name of Marshall Electric Co., Inc.

The Commission announced it had granted a petition to reconsider its decision of April 10, in which the application of Radio Enterprises, Inc., Victoria, Texas, for a new station to operate on frequency **1310 kc.,** with power of 100 watts night, 250 watts day, unlimited time, was denied.

The Commission set aside and cancelled the order of April 10, and GRANTED the application of Radio Enterprises, Inc., for a new station at Victoria, Texas, to use the above-described facilities.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Authority to install automatic frequency control apparatus on auxiliary transmitter.

580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to install new transmitter, make changes in directional antenna system, for use both day and night, increase power from 1 KW to 1 KW night, 5 KW day.

620 Kilocycles

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Modified license to increase power from 1 KW night, 5 KW day to 5 KW day and night.

680 Kilocycles

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit for new station on **680 kc.,** 250 watts, limited time. Amended: to request daytime hours of operation.

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—License to cover C. P. (B-2-P-2397) for equipment changes.

850 Kilocycles

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of modification of special authority to operate on 50 KW power, unlimited time on **1100 kc.,** period ending 2-1-40 (using directional antenna at night).

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Texas.—License to cover C. P. (B3-P-2080) as modified, for new transmitter, directional antenna for day and night use, and increase power.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authority to operate on **1060 kc.,** simultaneously with WBAL from 6 a. m. to local sunset, daily, suspend until 8 p. m. and unlimited from then until midnight, period ending 2-1-40. Amended: hours of operation.

KRLD—KRLD Radio Corp., Dallas, Texas.—Extension of special experimental authority to operate simultaneously with WTIC, unlimited time for period ending 2-1-40.

KRLD—KRLD Radio Corp., Dallas, Texas.—Authority to determine operating power by direct measurement of antenna power.

1080 Kilocycles

WMBI—The Moody Bible Institute Radio Station, Chicago, Ill.—Voluntary assignment of license from The Moody Bible Institute Radio Station to The Moody Bible Institute of Chicago.

1210 Kilocycles

WSBC—WSBC, Inc., Chicago, Ill.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WSOC—WSOC, Inc., Charlotte, N. C.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Modification of license to increase power from 100 watts night; 250 watts day, to 250 watts day and night.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Modified license to change hours from daytime to unlimited time, using 100 watts power. Amended: to change name from John S. Allen & G. W. Covington, Jr.

WHAI—John W. Haigis, Greenfield, Mass.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Modification of C. P. (B2-P-2105) for a new station requesting equipment changes, approval of antenna, and approval of transmitter site at Leonard Road and 2nd St., near Fredericksburg, Va., and studio site at 528 Wolfe St., Fredericksburg, Va. Amended: omit request for equipment changes.

1270 Kilocycles

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Modified license to increase power from 1 KW night, 5 KW day to 5 KW day and night.

1310 Kilocycles

WCLS—WCLS, Inc., Joliet, Ill.—Construction permit to make changes in transmitting equipment, changes in antenna, move studio and transmitter. Amended: re move of transmitter, same address.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Construction permit to install new transmitter and directional antenna for night use; increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; change frequency from **1310 kc.** to **620 kc.;** and change transmitter site from 201 Randolph St., Knoxville, Tenn., to Holston Hills Road, near Knoxville, Tenn.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WLBC—Donald A. Burton, Muncie, Ind.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1370 Kilocycles

WISE—Asheville Daily News, Harold H. Thoms, Owner, Asheville, N. C.—Modification of C. P. (B3-P-1066) for a new station, requesting equipment changes, approval of antenna and approval of studio and transmitter site at 179 S. French Broad, Asheville, N. C. Amended: Give transmitter and studio site as Broadway and College, Asheville, N. C., and make changes in antenna.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

1420 Kilocycles

WACO—Frontier Broadcasting Co., Inc., Waco, Texas—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WCBS—WCBS, Inc., Springfield, Ill.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

KVAK—Carl Latenser, Atchison, Kan.—Modified construction permit (B4-P-1846) as modified for new station requesting extension of completion date from 7-28-39 to 9-28-39.

1430 Kilocycles

WOKO—WOKO, Inc., Albany, N. Y.—Special Experimental authority to operate a facsimile station from 2 to 5 a. m., for regular license period ending 11-1-39.

1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas—Construction permit to install new transmitter, make changes in antenna, increase power from 100 watts to 100 watts; 250 watts day, and move transmitter from 114 West Seventh St., Austin, Texas, to site to be determined, Austin, Texas.

KRNR—News-Review Co., Roseburg, Ore.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

MISCELLANEOUS

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new high frequency broadcast station on **42600 kc.**, 5 KW power, Special emission, to be located at 606 West Wisconsin Ave., Milwaukee, Wis.

WAIG—WGN, Incorporated, area of Chicago, Ill.—License to cover C. P. (B4-PRE-258) for new relay broadcast station.

WAIF—WGN, Incorporated, area of Chicago, Ill.—License to cover C. P. (B4-PRE-259) for new relay broadcast station.

W9XJM—WCBS, Incorporated, Portable-Mobile—Construction permit for changes in equipment, increase power from 2 to 10 watts, specify frequencies **31220, 35620, 37020, 39260 kc.,** in accordance with new rules.

WAIH—WGN, Incorporated, area of Chicago, Ill.—License to cover C. P. (B4-PRY-179) for new relay broadcast station.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of C. P. for move from 509 W. Wisconsin Ave., to 606 West Wisconsin Ave., and specify frequency **42260 kc.,** antenna changes, and extend commencement and completion dates from 5-13-39 and 11-13-39 to 30 days after grant and 90 days thereafter.

NEW—The Travelers Broadcasting Service Corporation, Avon, Conn.—Construction permit for a new Television Broadcast station on frequencies **84000-90000 kc.,** 1 KW power, A-3 and A-5 emission, to be located at Avon, Conn.

NEW—WOKO, Incorporated, Albany, N. Y.—Construction permit for a new facsimile station on **25050 kc.,** 500 watts power, A-3 and A-4 emission, to be located near Central Ave. and Tremont St., Albany, N. Y.

W2XQR—John V. L. Hogan, New York, N. Y.—Modification of construction permit specifying transmitter site at Alpine, New Jersey.

NEW—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Construction permit for a new high frequency broadcast station on **43400 kc.,** 1 KW power, to be located at Shrewsbury St., Holden, Mass.

W8XRZ—WJR, The Goodwill Station, Portable-Mobile, Detroit, and Vicinity—Construction permit to change frequency operating assignment of Station W8XRZ from **31100, 34600, 37600, 40600 kc.,** to **1646, 2090, 2190, 2830 kc.,** and make equipment changes.

NEW—Edwin H. Armstrong, Portable-Mobile—Construction permit for new special relay broadcast station to be used with high frequency broadcast station W2XMN on frequencies **133030, 134850, 136810, 138630 kc.,** 50 watts, Emission Special for frequency modulation.

W9XEG—Martin R. O'Brien, Portable-Mobile—License to cover construction permit (B4-PRE-227) for new relay broadcast station. Amended to specify frequencies **30820, 33740, 35820, 37980 kc.,** in accordance with new rules.

WAHF—WTAR Radio Corp., Portable-Mobile—License to cover construction permit (B2-PRY-137) for new relay station.

W5XGO—Beaumont Broadcasting Assn., Portable-Mobile—Voluntary assignment of license to KRIC, Inc.

KDAC—George Harm, Portable-Mobile—License to cover construction permit (B5-PRY-167) for new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Oil Company—A complaint has been issued against American Oil Company, Baltimore, and General Finance, Inc., Washington, D. C., alleging price discrimination in the sale of gasoline, in violation of the Robinson-Patman Act.

General Finance, Inc., is engaged, among other things, in the selling and financing of taxicabs, and also leases and operates two gasoline stations in Washington.

Five taxicab companies of Washington and Baltimore, whose policies and activities were controlled by General Finance, Inc., or by its officers, Herbert Glassman and Edward C. Ostrow, are alleged in the complaint to have entered into a contract with American Oil Company providing for the purchase of "Amoco" and "American Gas," at a price of 5⅝ cents per gallon below the current posted retail service station price, and 1⅝ cents to 2⅛ cents lower than the posted tank wagon prices charged by American Oil Company for Amoco and American Gas sold by it to other retail gasoline station operators in the District of Columbia. During the years 1937, 1938 and 1939 American Oil Company is alleged to have sold to General Finance, Inc., more than 100,000 gallons of gasoline monthly, at the prices fixed in the contract, which gasoline was resold at retail by General Finance, Inc., at its gasoline stations in Washington to taxicab operators and the public.

The complaint alleges that although the contract provides that the products purchased under it are "for buyer's own consumption only and not for resale, in whole or in part, to buyer's employees or any other person," the gasoline purchased by General Finance has been resold by it at retail to taxicab operators and to the public generally. The fact of such resale, the complaint alleges, has at all times been well known to the American Oil Company.

By selling its gasoline at the prices stated, which are substantially lower than prices charged by it to other retail dealers in the District of Columbia, American Oil Company is charged with discriminating in price, and receipt of such discrimination in price was knowingly induced and received by General Finance, Inc. (3843)

General Finance, Inc.—See American Oil Company.

Simmons Company—A complaint has been issued charging the Simmons Company, New York, manufacturer of metal beds, mattresses and allied products, with unlawful price discriminations in violation of the Robinson-Patman Act.

Discounts allegedly were granted certain purchasers under a sliding scale plan based on purchases during the calendar year, and operating as follows: No discount on purchases of less than $50,000; 3 per cent discount on purchases of $50,000; 3½ per cent on purchases of $75,000; 4 per cent on purchases of $100,000; 4½ per cent on purchases of $150,000, and 5 per cent on purchases of $200,000 and more.

The complaint charges that the respondent's discount plan discriminated against individual purchasers of less than $50,000 worth of merchandise in a year and in favor of those competing individual customers purchasing more than that amount and that there were few of the latter class. However, it is alleged, the Simmons Company sold its product to large central organizations or syndicate members and granted the discounts on the basis of aggregate purchases of the entire organizations even though some of their individual retail stores or units often made aggregate yearly purchases which were no larger and in many cases smaller than the yearly purchases of many unaffiliated individual customers. In many instances, it is alleged, the individual customers were in direct competition with unit stores of the central organizations, or with member stores of the syndicates. (3840)

Usona Shirt Company—False representations in the sale of textile fabrics is alleged in a complaint issued against Usona Shirt Company, 230 Fifth Ave., New York.

The respondent is alleged to label certain of its products as being "shrunk," "pre-shrunk," or "full shrunk," when in fact they were not made of shrink-proof, non-shrinkable cloth, but from cloth which had not been fully shrunk to the extent that no residual shrinkage remained. (3842)

Williams & Wilkins Company—Price discrimination in the sale of books in violation of the Robinson-Patman Act is charged in a complaint against The William and Wilkins Company, Mt. Royal and Guilford Avenues, Baltimore, publishers and distributors of medical and other scientific books.

The complaint charges the respondent company with discriminating in price between different purchasers buying the same books for resale to retail dealers by granting price discounts ranging from 20 per cent to 35 per cent. It is alleged that the effect of such discriminatory discounts enables some purchasers to buy the same books at lower prices than competing purchasers. (3844)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Shaw and Davis, Inc., Abner Shaw, and Janet Shaw, 20 West 47th St., New York, have been ordered to discontinue misleading practices in the sale of jewelry, leather goods and related items to the consuming public.

By misrepresenting themselves as "wholesalers" and by publishing "list prices" in their catalogs, the respondents were found to have misled the public into buying their merchandise under the belief that they were securing the goods at retail dealer prices. The so-called "list prices" were found not to be "list prices" but figures that will, when reduced by a specified discount, show the prices of respondents' articles as offered for sale to consumers.

The respondents were ordered, in reference to sales to the purchasing public other than the retail trade, to cease representing themselves as "Wholesalers" or "Wholesale Jewelers," and to cease using the terms "list prices" or "discount" or representing that the price at which they offer their products for sale, constitutes a discount to the purchaser, or is a wholesale price, when such price is the one at which they normally sell their products in the usual course of business. (3635)

Silver Manufacturing Company—James I. Silver, trading as Silver Manufacturing Company, Silver Sales Company, and World-Wide Radio Company, 2868 Elston Ave., Chicago, has been ordered to discontinue misleading representations and lottery methods in selling radios, fountain pens and other novelty merchandise.

Radios were found to have been represented in a fashion tending to deceive buyers into believing they were R.C.A. sets, when in truth only tubes or other parts had been made by a manufacturer operating under a limited R.C.A. license.

It was also found that the respondent advertised to the effect that his agents could obtain radio sets from the respondent at factory prices and save up to 50 per cent, when in fact the respondent was not the manufacturer of the sets offered but only the middle-man and did not sell radios at factory prices or at the saving advertised.

The Commission's order directed the respondent to cease representing directly or by inference that radios not made by the Radio Corporation of America are "R.C.A." radios; that the respondent is a manufacturer, until that is a fact and that his purchasers obtain a 50 per cent or other saving, and to cease implying that merchandise supplied to agents is free when they are required to pay therefor or perform certain services to obtain it. (3211)

Silver Sales Company—See Silver Manufacturing Company.

World Wide Radio Company—See Silver Manufacturing Company.

Wyeth Chemical Company, 15 Exchange Place, Jersey City, N. J., was ordered to discontinue false and misleading representations in the sale and distribution of "Freezone," a preparation for the removal of corns and callouses.

The order directed the respondent to cease and desist from representing that "Freezone," or similar products, will cure corns or callouses or prevent their formation or recurrence, and that it will promptly stop, or prevent the recurrence of, pain caused by corns. The order also prohibited representations that corns have roots, that the roots are removable by "Freezone," or that an entire corn can be removed by the use of the fingers after one application. (3754)

STIPULATIONS

The Commission has entered into the following stipulations:

Bond Pharmacals, 2404 McKinney Ave., Dallas, Tex., has entered into a stipulation to discontinue certain representations in connection with the sale of its product, "30-40 Wafers," a concentrated food tablet represented as an aid for reducing weight.

The respondent agrees to desist from representing, directly or by implication, that "30-40 Wafers" will be effective in reducing weight, unless it is clearly explained that the product is of value only to the extent that it tends to reduce the appetite for other foods, and that it should be used in conjunction with low calorie diets and exercise. (02398)

Intermountain Broadcasting Corp.—Five Western and one Southern broadcasting stations have entered into stipulations to discontinue certain advertising practices in connection with the sale of their facilities.

The respondents are Intermountain Broadcasting Corporation, operating station KDYL, Salt Lake City, Utah; Lamar Life Insurance Company, station WJDX, Jackson, Miss.; Mosby's, Incorporated, station KGVO, Missoula, Mont.; Woodmen of the World Life Insurance Society, station WOW, Omaha, Nebr.; KFRU, Incorporated, station KFRU, Columbia, Mo., and Minnesota Broadcasting Corp., station WTCN, Minneapolis.

The respondents agreed to cease representing, directly or by implication, that their respective stations have a certain power unless that power is actually used by them during the entire broadcasting period, or unless it is clearly explained in direct connection with each representation that such power is authorized and used only during certain specified hours.

According to the stipulation, all but one of the respondents advertised, without qualification, their stations as having 5,000 watts power, which, it was agreed, might mislead some prospective purchasers of radio facilities into believing that such power was continuous when in fact the power authorized for use and used in each instance was 5,000 watts during the day only and was limited to 1,000 watts at night. In the case of KFRU, Incorporated, the power advertised without qualification was 1,000 watts when in fact 1,000 watts was used by day and 500 watts at night. (02392 through 02397, inclusive.)

Ivis Company, Inc.—In a stipulation, The Ivis Company, Inc., 150 Pearl St., New York, agrees to cease certain misrepresentations in the sale of a facial pack designated "Milk-Mode".

The respondent stipulates that it will cease representing directly or by implication that Milk-Mode or the Milk Mode treatment will reduce enlarged pores, remove blackheads, whiteheads, or discolorations; that it is comparable to a facial massage treatment in a beauty salon; that it will lift out dirt and poisons from the pores and combat re-infection or that the treatment is a health bath for the skin, and that actresses have said it will give renewed vitality.

The respondent will also cease the representations that Milk-Mode is of value in the treatment of oily, coarse, drab, dry or sallow skin; that it will eliminate or reduce wrinkles, lines, puffiness or sagging, and that it will stimulate, revitalize or tone the skin or stimulate circulation. (020400)

KFRU, Inc.—See Lamar Life Insurance Company.

Lamar Life Insurance Company—See Intermountain Broadcasting Corp.

Minnesota Broadcasting Corp.—See Lamar Life Insurance Company.

Mosby's Inc.—See Lamar Life Insurance Company.

Tenex, Incorporated, Davenport, Iowa, entered into a stipulation to cease the dissemination of misleading advertisements in the sale of Tenex, a treatment for athlete's foot and other skin diseases.

The respondent agreed to cease representing directly or by implication that Tenex is a cure for athlete's foot, ringworm or any other disease or that it is a competent treatment or effective remedy for fungus nail, eczema, barber's itch, corns and callouses, cuts, dermatitis, irritation, skin diseases generally, and ringworm, unless the representations are limited to the types of ringworm for which Tenex may be effectively indicated.

The respondent will also cease representing that eczema is a fungus infection or disease; that Tenex is harmless to healthy tissue, and that Tenex will prevent reinfection of athlete's foot conditions. (02401)

Woodmen of the World Life Insurance Society—See Lamar Life Insurance Co.

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 29, July 21, 1939

"Short Wave" Hearing

JULY 14

Commissioner Thad H. Brown, acting chairman, opened the hearing by announcing the suspension of the program rule affecting international broadcasting. Mr. Brown denied that the Commission had any intention of exercising any "censorship" of international programs. He made the following statement:

This hearing was set on a petition of the American Civil Liberties Union for revision, amendment or modification of Section 42.03(a) of the Commission's rules and regulations governing international broadcast stations. This rule reads as follows:

"A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service."

The Commission intended by this rule to require international broadcast stations, which are licensed for the purpose of rendering a program service intended for general public reception in foreign countries, to render a program service designed for reception by the people of such countries as distinguished from a program service intended only for reception in this country. It was further intended to define the primary purpose and objectives of international broadcast stations for reasons provided in international agreements to which the United States is a party.

The applicable provisions of the Communications Act of 1934, as amended, require that licenses be issued to serve the public interest, convenience or necessity. To comply with this statutory mandate, the Commission is required before it may issue a license or assign any frequency for any particular service to define the purpose and objectives for such service in such a way that the public interest, convenience or necessity will be served by the station licensed to operate on frequencies assigned to this service. This is true whether the service be international broadcast service, telephone or telegraph service, domestic broadcast service, police service, aviation service or any of the other various classes of radio service authorized by the Commission.

Prior to the adoption of the present rules governing international broadcast stations, stations licensed to operate on the frequencies assigned to that service were authorized only on an experimental basis. During the experimental period the Commission imposed, and the licenses accepted, conditions limited the nature and defining the character of the service which could be rendered on the assigned frequencies.

The operation of these stations has demonstrated that the use of the frequencies involved for long-distance communication is practicable and can no longer be considered in an experimental stage of development. Before assigning frequencies for use on a regular basis for international broadcasting, it was necessary for the Commission to consider what, if any, benefits would result to the people of this country from such use. For, unless the public interest, convenience or necessity would be served by assigning these frequencies to a use which would not directly serve the listeners of this country, and since the frequencies are to be used for providing program service to the listeners of other countries, it was necessary to determine how and to what extent a program service to foreign countries from American broadcast stations would be of benefit to this country. The Commission reached the conclusion that there would be a public benefit to the people of this country if American stations could be licensed to provide a program service to foreign countries if the effect of the operation of such stations would be to engender international good-will, understanding and cooperation through program service generally reflecting the culture of our people. The Commission was of the opinion that such a service would result in benefits to the people of the United States through the stimulation of international goodwill, understanding and cooperation and would promote our foreign commerce.

Among other things, it was necessary to keep in mind at all times that from a technical standpoint the licensing of international stations presents a different problem than that of regular domestic broadcast stations. As an example, the problem of providing an interference-free channel between the transmitter and the receiver is not one subject generally to the control of this government alone; for any of these frequencies or all of them could be rendered useless for our purposes if other countries permitted stations to operate, or create interference, on the same frequencies.

It was also necessary to consider in connection with this rule the international policy which our government had a major part in formulating with respect to the use of these frequencies. This policy is reflected in Article VII, Section 22 of the General Radio Regulations annexed to the Telecommunication Convention of Madrid, the Cairo revision of which carries forward and makes more restrictive the similar provisions in the Madrid regulations (Article VII, Section 19). The Cairo provision reads:

"§ 22. (1) It is recognized that the frequencies between 5,000 and 30,000 kc. (60 and 10 m) are capable of propagation over great distances.

(2) The administrations shall make every possible effort to reserve the frequencies of this band for long-distance communications, in view of the fact that their use for short- or medium-distance communications is likely to interfere with long-distance communications."

In summary, Section 42.03(a) was intended to do two things: (1) to require international broadcast stations to direct their service to foreign countries rather than the United States; (2) to define the public interest to be served through the licensing and operation of such stations. It has not been the practice of the Communications Commission in the past, nor is it the intention of the Commission now, with respect to the rule, ever to require the submission of any program continuity or script for editing, modification or revision, or for any other purpose prior to its use by a station.

It cannot be emphasized too strongly that the Commission has no desire, purpose or intention of setting itself up as a board of censorship, and that it does not and will not exercise any such jurisdiction.

The Commission deems it appropriate in the interests of orderly procedure to place this statement formally upon the record in this hearing which has been duly set upon a proper petition, and hopes that the statement will contribute materially toward a constructive result.

The fundamental issue in this hearing may be stated as follows:

1. Is the public interest, convenience or necessity within the meaning of the Communications Act of 1934, as amended, served

(Continued on page 3606)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

"SHORT WAVE" HEARING

(Continued from page 3605)

through the licensing and operation of international broadcast stations?

2. How is the public interest, convenience or necessity served through the licensing and operation of international broadcast stations?

3. Is the Commission on the basis of the public interest, convenience or necessity to be served through the licensing of such stations justified in limiting the stations to an international broadcast service as distinguished from a domestic broadcast service?

It is of the greatest importance that these issues be considered and discussed without possibility of confusion arising from any ambiguity in or misinterpretation of language or phraseology. The Commission, therefore, pending an opportunity to hear and consider the evidence, views and arguments to be presented on the issues in this hearing has ordered that the operation of section 42.03(a) be suspended.

After the American Civil Liberties Union had introduced a statement of its radio policy as its only direct testimony, Swagar Sherley, special NAB counsel, introduced a motion to amend the suspended rule to read: "A licensee of an international broadcast station shall render an international broadcast service." ("Stop there," Mr. Sherley said.) All interested parties except the International Catholic Truth Society and the National Committee on Education by Radio agreed to the motion, he explained. After considerable discussion, the motion was taken under advisement.

Horace L. Lohnes appeared for the Westinghouse Electric and Manufacturing Company, and told the Commission that "Westinghouse does not believe in censorship any more than the Commission apparently does," and that he joined in Mr. Sherley's motion. The same held for the Isle of Dreams Broadcasting Company, he added. During cross-examination, Commissioner Thompson asked Mr. Lohnes a question he asked each succeeding witness: "Has there been any indication whatsoever in the operation of the station that any effort at all has been made to censor any program on that station?" Mr. Lohnes replied that there had not been.

Rev. Edward Lodge Curran, appearing for the International Catholic Truth Society, the next witness, said that as an American Citizen he was "at a loss to understand how any of my fellow American citizens can object to either the contents or the wording of this section." During his testimony, he assailed both the NAB and the American Civil Liberties Union for their position in the matter.

Neville Miller, NAB president, was on the stand the rest of the first day, and was subject to a great deal of questioning by both the Commission and Commission counsel.

The NAB convention, the new code, how Mr. Miller found out about the "censorship" rule, the NAB news review, the drafting of Mr. Miller's letter requesting a hearing on the rule, whether the board of directors was consulted, why the letter was sent to Chairman McNinch instead of the acting chairman, how many stations the NAB represented, just whom Mr. Miller represented in the proceedings—these and other topics were discussed before the Commission and its counsel finished their questioning.

JULY 15

E. K. Cohan, CBS engineering director, the next witness, described the technical aspects of international broadcasting. It was brought out that a broadcast could not be confined to one country alone, and that a program which was designed to promote "good will" in one country might be received in another where it might provoke ill will. Frederick A. Willis, CBS assistant to the president, in charge of short wave operations, described in detail CBS short wave programs and policy.

H. Thomas Austern, for the American Civil Liberties Union, next gave his argument in behalf of that organization. In concluding, he said, in part:

> "Now, what does this mean when a licensee of the Commission examines whether a program promotes international goodwill, understanding and cooperation? Well, it clearly considers the effect of what is said on those who listen. It proposes, as it can be so interpreted, we think, to curb expression where the listener might possibly be irritated or annoyed; it necessarily confers upon the Commission the opportunity to decide when this occurs. Now, frankly, we do not know how anyone could interpret that standard. Would a public discussion of tariff policy, let's say, with respect to imported beef, be permitted even though both sides were debated? Would a news report about our Governmental action in buying such materials be proper? Would a broadcast of the Mikado or Porgy and Bess be ruled out as possibly offensive to the sensibilities of some other nationals, and would not a licensee, seeking renewal or defending a revocation proceeding, necessarily have to deal with the effect of his program content in specific terms? We think that this clearly permits censorship. Frankly, we fear that it is contemplated, that type of examination. * * *
>
> "Now, we submit that all of subparagraph (a) should be rescinded because it permits the exercise of the power of censorship; because it impedes and interferes with the specific content of programs; because it contemplates the measurement of such specific content in terms of its truth, its effect elsewhere, whether it will provoke hostility, and so forth. * * *
>
> "Now, we submit that there is no necessity whatever for that paragraph. Candidly, we think there is no necessity for any such particularization as to public convenience and necessity, and we respectfully submit that it be deleted."

After Mr. Willis underwent long cross-examination, C. B. Jolliffe, engineer in charge of the RCA frequency, and Frank E. Mason, in charge of the NBC International Division, discussed NBC short wave broadcasting. Like the other witnesses, Mr. Mason was closely cross-examined on the "censorship" issue.

JULY 17

Mr. Sherley summed up the NAB'S case with a brilliant analysis and discussion of the fundamental issue. Following are especially important excerpts:

Perhaps it may not be amiss at this point to call attention to what I consider to be the loose thinking that has grown up in connection with radio and government's relationship to it.

We all indulge in talk about the ether and it being the property of the State; that licensees are the recipients of government favor and as such exist, so to speak, as tenants by sufferance. I in no way deny the right of regulation which, in the interest of the public, the government possesses; but it has been easy, because of this right of regulation, for persons to conclude that there is in government an ownership of the ether in some mystical way (always unexplained) whereby the use of this great art by the citizens of the Republic is to be considered as a favor bestowed by a generous government, and that the recipients should therefore show a corresponding sense of gratitude and accept with whatever limitations are placed on it the right to use the art.

To my mind nothing could be more misleading. Ownership of the ether, in any strict sense of the term, is an impossibility. It is a property of nature, capable of use, but not of ownership. What the government possesses is a right to regulate the use of the ether, and this right of regulation with a free people is limited *by the need to regulate* in order that proper use in the interest of society may be made.

Man's inventive genius found a method for transmitting electrical impulses with the speed of light and their translation into auditory sensation, and as a result of the genius of Marconi and those who followed him, there has been built up a new form of instruction and entertainment for mankind, the possibilities of which we cannot even visualize. Those who have given their ability, their wealth and their energy in the development and improvement of this art are not in any true sense of the term suppliants of a government's favor. They are benefactors of their time, willingly submissive to that regulation of their government and that only which is necessary in the clear interest of all.

Now let me not be misunderstood. I would not represent but misrepresent those for whom I speak, if I in any way gave the impression that the industry is rebellious over the regulation and licensing that the *radio law* provides. Those of us who had experience in the chaotic days when the then regulatory power of the government was stricken down would be the last to ask that freedom which is not real freedom but anarchy, that existed in the ether.

But I have said what I have said because I believe it was the intention of Congress—as I believe that it is and should be the viewpoint of this Commission—that regulation should be the child of the art's need and not the exertion of power by government for power's sake, or of any mistaken notion that those who are licensed to pursue the art are beneficiaries of grants in the sense in which a government with a proprietary interest might convey rights or interests to specially chosen individuals and therefore place whatever conditions upon the grant it saw fit.

It is interesting to note that the Commission's carefully prepared statement suspending the rule occupies five pages of typewriting in order to explain the intent lying behind six lines of regulation. May I be pardoned if I say that witnesses may be considered to have had some justification for expressing their uncertainty as to the significance and scope of the regulation? It will be noticed that the Commission's statement at no place deals with the meaning and construction of the language actually used in the regulation.

The Commission at no point has undertaken to define the word "culture", of which we have heard so much during the hearing, nor as to what will promote international good will, understanding and cooperation, and the statement of the Commission is interestingly silent as to the second sentence of the regulation, though it does affirmatively declare that the intention of the Commission was to make a distinction between the program service intended for general public reception in foreign countries as distinguished from a program service intended for reception in this country.

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Notwithstanding the disclaimer as to intent made by the Commission, I submit that there can be no two opinions as to the language of the rule being such as in law to create and permit censorship of international broadcast programs.

And it must never be overlooked that the phraseology of the rule is an affirmative command and not simply a prohibition. It would be bad if it was a prohibition other than those which the Act itself contains. It is doubly bad when it substitutes the judgment of the Commission as to what must be said in order to be considered in the public interest. That is the very essence of censorship—the substitution by governmental fiat of a judgment as to what is desirable for the freedom of judgment of those within the purview of the regulation.

Rule 42.03(a) is an affirmative requirement that all licensees of international broadcast stations *shall* render a program service which both reflects the culture of the United States and promotes international good will, understanding and cooperation, and I respectfully submit that no question of intent on the part of the Commission in adopting the rule has any place in the construction of the language actually used.

Had the rule provided simply that a licensee of an international broadcast station should render an international broadcast service and stopped there, it might be argued with some plausibility that the regulation was simply a classification such as we are all familiar with in connection with ship-to-shore, police, point-to-point and other regulations pertaining to classification.

But when it goes forward with an affirmative requirement—vague, uncertain and indefinite though it is—I submit that it is an effort at direct censorship of program content within the international field and as such is beyond the power of this Commission to enact.

As always, confusion arises from the use of the same word in different senses. We have talked about censorship, using the phrase as carrying with it as a necessary incident the fiat of the government whereby the person subject to the censorship is under the compulsion of obedience.

The word has been used as applying to the self-imposed censorship which the members of an association such as the National Association of Broadcasters voluntarily elect to impose upon themselves in their desire to live up to the full obligation of their duties as licensees of broadcast stations, and it has been used to indicate that editorial selection which is exercised by a broadcaster in determining what shall go into a particular program. It is very vital that we bear in mind the fundamental differences that underlie the word accordingly as it applies to one or the other of these situations.

Repeated suggestions were made that inasmuch as the broadcasters had seen fit to establish standards that should control them in broadcasting, there should be no objection to the like purpose sought to be accomplished by a regulation of the Commission. Such a view, I submit, is fundamentally unsound. The vice of governmental censorship lies in its compelling power; like a sword of Damocles it is held over the heads of those subject to it, with pains and penalties if they fail to comply. It is the difference between servitude and voluntary restraint.

One may and does impose upon himself restraints that are in the nature of voluntary censorship, but to conclude that there is no essential difference between such voluntary restraint and that which may be imposed upon one by government is again to lose sight of the whole philosophy that underlies our government.

Voluntary restraint by an association is the American way of making sure the performance of a duty that is always coincident to a right. The failure properly to live up to the duty may be, under given conditions, a warrant for taking away the right or privilege; but unless we are to transform completely our concept of government, the right cannot in the first instance be given subject to conditions that of themselves curtail the freedom that is contemplated by the Bill of Rights.

Again I say to you that our theory of government contemplates citizens full grown, capable in themselves, who do not need the guiding hand of governmental guardianship no matter how benevolently applied.

The power of Congress over radio arises out of the constitutional grant in reference to interstate and foreign commerce. This power, broadly speaking, is a plenary power; but like all other express grants to Congress, it is to be exercised subject to the limitations imposed by the First Amendment to the Constitution.

I have, I hope, already made clear that Congress has the right—nay, the duty—in the public interest to place restrictions upon speech in order that the right may not degenerate into license of speech.

Congress has the unquestioned power, and it is the very basis of its control, to determine in the public interest who shall be given the right to use of the ether waves. And it has not only the right to determine who shall be licensed to use the ether but also to classify the uses to which particular frequencies shall be dedicated. This power of classification is broad and fundamental as a classification of service to be rendered, but it is not a power that can be used as a medium for disregarding the prohibition on abridging freedom of speech.

Much has been said in connection with the Montevideo Conference of 1933 and the very laudatory resolution adopted there regarding desirable objectives as to international broadcasts. Similar resolutions were adopted at Buenos Aires in 1936 and at Lima in 1938. But there has been an entire failure to call attention to the fact that in connection with the very statements which have been quoted there was a statement on behalf of the American delegates to the Lima conference which reads as follows:

> "The United States delegation agrees to this resolution with the understanding that the following words in paragraph one: 'to recommend that the governments of America, *in so far as their respective internal legislation permits*', are intended also to apply to and limit the language of paragraph two."

But I submit with all the earnestness possible that the necessity for any consideration of programs, broadcast by a single station, if necessity exists, cannot in any way be construed into a right of the Commission to declare affirmatively what shall or shall not be broadcast by all stations, save as the Radio Act expressly provides.

The Communications Act contains five specific provisions having to do with programs:

(a) Obscene, indecent or profane language;
(b) Denial of equal opportunity to political candidates;
(c) Lottery information;
(d) Announcement of sponsored matter; and
(e) Unauthorized rebroadcasting.

In summary and in conclusion, may I say that it is my position that the Bill of Rights is an express limitation upon every power conferred upon our Federal Government by the Constitution of the United States.

That Congress, recognizing the limitation in the First Amendment upon freedom of speech, has most emphatically and explicitly declared that this Commission should exercise no form of censorship.

That all of the powers conferred upon the Commission regarding classification and other matters are by the express terms of Section 326 of the Radio Act made subject to that clause.

That Rule 42.03(a) is censorship and censorship none the less because of the benevolent intent of the Commission in adopting it.

We lose sight entirely of the fundamental issue here involved if we accept a disclaimer as to an intent to disagreeably or restrictively enforce a regulation as warranting its enactment.

We were told during the hearing that the industry should have no concern over the regulation adopted or some substitute for it, because its enforcement would be by reasonable men and without an intent to interpret it oppressively. This is the old, old plea for power sought to be justified by a disclaimer of intent to abuse the power. But I submit as a matter of law that a regulation adopted speaks in its own language and once adopted it *becomes the duty and not the option* of those charged with enforcement to see to its enforcement.

(Note: Mr. Sherley's full statement is being printed, and will be sent to all NAB members.)

ISSUE BEFORE CONGRESS

Representative Cochran (D-Mo) on July 13 introduced a bill to set aside the FCC short wave rule setting program standards for international broadcasts and to forbid the FCC from setting up such standards.

CORRECTION

In last week's NAB Reports (Vol. 7, No. 28, page 3588), Walter J. Damm was incorrectly listed as director of District 9. This should be changed to:

District 9—Gene T. Dyer, Manager
Radio Station WCBD
WCBD, Inc.
Chicago, Ill.

Members should correct the list in case it is used for reference.

Legal

RCA VS. WHITEMAN

Findings of fact and conclusions of law were made by United States District Judge Vincent L. Leibell in the Southern District of New York and filed on Saturday, July 15th, in the case of RCA Manufacturing Company, Inc., against Paul Whiteman, W. B. O. Broadcasting Corporation and Elin, Inc., tried in that Court last December. No opinion has yet been rendered although it is understood that Judge Leibell will shortly file a memorandum in support of his findings and conclusions, and this week will sign a decree.

The Court found that from November 1932 to August 15, 1937, the RCA Manufacturing Company, Inc., and its predecessor, RCA Victor Co., has marketed phonograph records bearing the legend "Not Licensed for Radio Broadcast," and since August 15, 1937, all records have been issued with labels and envelopes stating, "Licensed ** Only For Non-Commercial Use On Phonographs In Homes. Mfr. & Original Purchaser Have Agreed This Record Shall Not Be Resold Or Used For Any Other Purpose."

The Court held that the broadcasting by the defendant radio station and sponsor of phonograph records bearing these restrictions constituted unfair competition with the record manufacturer (and also with the recording artist, provided the artist had not assigned all of his rights to the recording company); that Whiteman had contracted away all of his rights to the Recording Company except under one contract in which the rights were restricted as to broadcasting so that neither the Company nor Whiteman could alone license the broadcasting of the records without the consent of the other.

The Court found that Whiteman and certain other artists had (in their renditions of musical selections transcribed upon phonograph records) acquired common-law-property rights in such renditions and that these rights were not dedicated, published or abandoned by the sale of the records, provided the labels restricted the use thereof.

The Court further found that the defendant W. B. O. Broadcasting Corporation had caused the New York distributor of RCA records to breach the distributor's contract with RCA Manufacturing Company, Inc., by inducing the distributor to sell the records for radio use.

The injunctions that are expected to issue are as follows:

> 1. Whiteman will be enjoined from asserting the right to control the commercial use of RCA phonograph records made under his 1924 and 1931 contracts with the manufacturer, and from undertaking to license the same, and from asserting the sole right to control the use for radio broadcast of RCA phonograph records produced under the 1934 contracts, and from undertaking solely to license the same.
>
> 2. WBO Broadcasting Corporation and Elin, Inc., will be enjoined from broadcasting any RCA records provided such records have on them the restrictive-use labels; and the WBO Broadcasting Corporation will be enjoined from inducing RCA Manufacturing Company's New York distributor to breach its contract by selling records for radio use.

This decision may have various results. The National Association of Performing Artists has received a decided set-back in its attempt to license radio stations to broadcast phonograph records. It is reported that fewer than a dozen contracts exist by which the artists have retained any rights of any character in their renditions.

On the other hand, it is understood that some phonograph record manufacturers are likely to attempt to license their records for radio use on a regular fee basis with the royalties divided with the artists and music publishers.

The following findings of fact in this case may in some cases make the decision inapplicable to other stations:

> "10. Defendants WBO Broadcasting Corporation and Elin, Inc., duly appeared in this action and filed their answers herein, but at the trial of this action appeared by counsel and stated that they elected not to defend the suit.
>
> "77. Defendant WBO Broadcasting Corporation has prefaced the playing of phonograph records with announcements designed to create the impression among the audience that the performance is being rendered by the artist in person."

Accordingly, it is possible that in a suit in which testimony would be introduced by a defendant radio station and in which the witnesses of the recording company and of the recording artists would be subjected to vigorous cross-examination, the decision might be far different.

The decision is furthermore determinative only of the common law of the State of New York and need not be followed by Courts of other States or even by the State Courts of New York. Furthermore, if appealed by any of the parties, it may not even be sustained as the legal conclusions arrived at are not only far from being well settled but also are contrary to many decided cases in analogous situations.

Although the recording company urged a property right in it by virtue of the skill and ability of its employes, the Court refused to so find and instead found:

> "52. No act of the recording company contributes to the artistic quality of the interpretation."

It is suggested that the members keep NAB headquarters advised of any steps taken by manufacturers or artists respecting the broadcasting of records.

FCC STANDARD BROADCAST RULES

Inquiries have been received respecting the interpretation of Rule 3.90(a)(2) of the Rules Governing Standard Broadcast Stations, which become generally effective August 1. The Rule is as follows:

> "3.90. *Logs*. The licensee of each broadcast station shall maintain program and operating logs and shall require entries to be made as follows:
>
> "(a) In the program log.
>
> "(2) An entry briefly describing each program broadcast, such as 'music,' 'drama,' 'Speech,' etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending. If a mechanical record is used, the entry shall show the exact nature thereof such as 'record,' 'transcription,' etc., together with the name or title of each, and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered."

The second sentence of the Rule with respect to transcription and phonograph record programs is the portion which apparently needs clarifying. An official ruling has been requested from the FCC which we hope will be available for publication in the NAB REPORTS next week.

BILL TO CURB GOVERNMENT AGENCIES

The bill introduced by Senator Logan (D-Ky). and advocated by the American Bar Association which would curb the powers of quasi-judicial federal agencies, such as the Federal Communications Commission, the Federal Trade Commission and others, was approved by the Senate on July 18. The proposed law is opposed by the government agencies as well as the Department of Justice, and an effort is being made by Administration leaders to have the bill reconsidered. The proposed law would impose a mandatory obligation upon federal courts to set aside decisions, rulings and orders of administrative agencies on any of the following grounds: (1) if the findings of fact were "clearly erroneous"; (2) if the findings of fact were not supported by "substantial evidence"; (3) if the decision was not supported by the findings of fact; (4) if the decision was issued without "due notice" and a "reasonable opportunity" for the aggrieved parties to have "a full and fair hearing"; (5) if the decision was "beyond the jurisdiction" of the agency; (6) if the decision infringes the Constitution or statutes of the United States, and (7) if the decision is "otherwise contrary to law."

NEW LEGISLATION

CONGRESS

H. R. 7188 (Mr. Cochran, D., Mo.) COMMUNICATIONS ACT—To abrogate FCC Rule 42.03(a), adopted by FCC May 23, 1939, requiring international broadcast stations to limit programs to those which reflect the culture of the United States and promote international good will, understanding and cooperation, and to prohibit FCC adopting any similar rule. Referred to Interstate and Foreign Commerce Committee.

H. R. 7192 (Mr. Fay, D., N. Y.) PATENTS—To provide for the compulsory granting of licenses under patents which are brought by competitors within a single control in order to dominate an industry. Referred to Patents Committee.

FREE OFFERS

Recent attempts to obtain free time for commercial purposes called to the NAB's attention:

The American Can Company—"A series of noncommercial, educational recordings" for "use in conjunction with their food programs."

Hal Roach Studios, Inc.—"An entirely new transcribed program of Hollywood happenings . . . talks with the stars and featured players appearing in productions currently before the cameras at our studio."

The American Golf Institute ("Founded and conducted by A. G. Spaulding and Bros.")—Question and answer quiz on golf including two plugs for Spaulding, manufacturers and retailers of golf equipment.

Ringling Brothers–Barnum and Bailey Combined Shows, Inc.—"One or more transcriptions prepared by the Educational Department of Ringling Brothers and Barnum & Bailey Circus." (Note: Circus offers passes as a reward for the use of these).

"Your Life" Magazine (Amy Vanderbilt)—Excerpts from an article in August issue, about blondes vs. brunettes.

FCC MONITORING STATION

Senate Bill 2611 authorizing the purchase of a site and erection of a building in Massachusetts for use as a FCC radio-monitoring station with an appropriation of $30,000 was approved this week by the Senate. A similar bill is pending in the House.

The bill provided "that the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio-monitoring station, or to modify or reconstruct existing buildings of facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including necessary outfits, apparatus, and equipment at a total cost of said site, buildings, and equipment of not to exceed $30,000."

BROADCAST MEASUREMENTS

During the month of June experts of the Federal Communications Commission measured 701 broadcast stations leaving 69 not measured.

Of this number 629 showed a maximum deviation within 0-10 cycles; 64 a deviation within 11-25 cycles; 5 a deviation within 26-50 cycles and 3 stations having a maximum deviation of over 50 cycles.

778 STATIONS

During the month of June, the Federal Communications Commission granted permits for the construction of five new stations. A comparative table by months follows:

	Jan. 1	*Feb. 1*	*Mar. 1*	*April 1*	*May 1*	*June 1*	*July 1*
Operating stations . . .	722	727	729	732	734	735	735
Construction permits . . .	42	39	37	37	38	38	43
Total . .	764	766	766	769	772	773	778

New FCC Rules

PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS*†

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* Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f), rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (b), 48 Stat. 1082; 47 U.S.C. 303 (b)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c)—Sec. 303 (e), 48 Stat. 1082; 47 U.S.C. 303 (e)—Sec. 325 (a), 48 Stat. 1091; 47 U.S.C. 325 (a)—Sec. 325 (c), 48 Stat. 1091; 47 U.S.C. 325 (c).

† Adopted by the FCC on June 23, 1939, to become effective as follows: Sec. 3.32 (b) to become effective Jan. 1, 1940. Sec. 3.34 to become effective Aug. 1, 1939, provided that on and after that date each renewal of license will be issued for such period of months, not exceeding twelve, as will cause such license to expire in accordance with the expiration date fixed therefor in Sec. 3.34. All the remaining provisions of this Part to become effective Aug. 1, 1939.

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DEFINITIONS[1]

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 550 to 1600 kilocycles inclusive.*†

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 500 to 1600 kilocycles, inclusive, both 550 kilocycles and 1600 kilocycles being the carrier frequencies of broadcast channels.*†

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to standard broadcast stations shall begin at 550 kilocycles and be in successive steps of 10 kilocycles.*†

§ 3.4 *Dominant station.* The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.*†

§ 3.5 *Secondary station.* The term "secondary station" means any station except a Class I station operating on a clear channel.*†

§ 3.6 *Daytime.* The term "daytime" means that period of time between 6 a. m. local standard time and local sunset.*†

§ 3.7 *Nighttime.* The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.*†

§ 3.8 *Sunset.* The term "sunset" means, for each particular location and during any particular month, the average time of sunset as specified in the license of a broadcast station. (For tabulation of average sunset time for each month at various points in the United States see "Average Sunset Time".)*†

§ 3.9 *Broadcast day.* The term "broadcast day" means that period of time between 6 a. m. and 12 midnight, local standard time.*†

§ 3.10 *Experimental period.* The term "experimental period" means that period of time between 12 midnight and 6 a. m. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station, on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.*†

§ 3.11 *Service areas.* (a) The term "primary service area" of a broadcast station means the area in which the ground wave is not subject to objectionable interference or objectionable fading.

(b) The term "secondary service area" of a broadcast station means the area served by the sky wave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(c) The term "intermittent service area" of a broadcast station means the area receiving service from the ground wave but beyond the primary service area and subject to some interference and fading.*†

§ 3.12 *Main studio.* The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points.*†

§ 3.13 *Portable transmitter.* The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.*†

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[1] Other definitions which may pertain to Standard Broadcast Stations are included in Sections 2.1 to 2.35 and the Communications Act of 1934, as amended. These sections appear as Sections 21.01 to 21.35 at 4 F.R. 2104 DI.

§ 3.14 *Auxiliary transmitter.* The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.*†

§ 3.15 *Combined audio harmonics.* The term "combined audio harmonics" means the arithmetical sum of the amplitudes of all the separate harmonic components. Root sum square harmonic readings may be accepted under conditions prescribed by the Commission.*†

§ 3.16 *Effective field.* The term "effective field" or "effective field intensity" is the Root-mean-square (RMS) value of the inverse distance fields at a distance of one mile from the antenna in all directions in the horizontal plane.*†

ALLOCATION OF FACILITIES

§ 3.21 *Three classes of standard broadcast channels*—(a) *Clear Channel.* A "clear channel" is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference, within their primary service areas and over all or a substantial portion of their secondary service areas.

(b) *Regional channel.* A "regional channel" is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

(c) *Local Channel.* A "local channel" is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.*†

§ 3.22 *Classes and power of standard broadcast stations*—(a) *Class I station.* A "Class I Station" is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference, except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in Sec. 3.25 or in accordance with the "Engineering Standards of Allocation". The operating power shall be not less than 10 kw nor more than 50 kw (also see Sec. 3.25 (a) for further power limitation).

(b) *Class II station.* A "Class II Station" is a secondary station which operates on a clear channel (see Sec. 3.25) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the "Engineering Standards of Allocation."

(c) *Class III station.* A "Class III Station" is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contiguous thereto. Class III stations are subdivided into two classes:

(1) *Class III–A station.* A "Class III–A Station" is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(2) *Class III–B station.* A "Class III–B Station" is a Class III station which operates with a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(d) *Class IV station.* A "Class IV Station" is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt and its service area is subject to interference in accordance with the "Engineering Standards of Allocation."*†

§ 3.23 *Time of operation of the several classes of stations.*[2] The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

(a) "Unlimited time" permits operation without a maximum limit as to time.

(b) "Limited time" is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(c) "Daytime" permits operation during the hours between 6 a. m. and average monthly local sunset. (For exact time of sunset at any location, see "Average Sunset Time.")

(d) "Sharing Time" permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(e) "Specified Hours" means that the exact operating hours are specified in the license.

(The minimum hours that any station shall operate are specified in Sec. 3.71)*†

§ 3.24 *Broadcast facilities; showing required.* An authorization for a new standard broadcast station or increase in facilities of an existing station[3] will be issued only after a satisfactory showing has been made in regard to the following, among others:

(a) That the proposed assignment will tend to effect a fair, efficient and equitable distribution of radio service among the several states and communities.

(b) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweights the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation".)

(c) That the applicant is financially qualified to construct and operate the proposed station.[4]

(d) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service.

(e) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and "Locations of Transmitters of Standard Broadcast Stations.")

(f) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(g) That the public interest convenience, and necessity will be served through the operation under the proposed assignment.*†

FREQUENCY ALLOCATIONS BY CLASSES OF STATIONS

§ 3.25 *Clear channels; class I and II.* The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 740, 750, 760, 770, 800, 810, 820, 830, 850, 860, 870, 980, 990, 1000, 1070, 1090, 1130, 1150, 1170 and 1190 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 790, 970, 1020, 1040, 1050, 1060, 1080, 1100, 1110, 1140, 1160, 1180, 1460, 1470, 1480, and 1490 kilocycles.*†

§ 3.26 *Regional channels; class III–A and III–B.* The following frequencies are designated as regional channels and are assigned for use by Class III–A and Class III–B stations: [5] 550, 560, 570, 580 590, 600, 610, 620, 630, 780, 880, 890, 900, 920, 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550, kilocycles.*†

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[2] Formal application required for change in time of operation of existing broadcast station. See "Standards of Good Engineering Practice" for form number (to be published at a later date).

[3] Formal application required. See "Standards of Good Engineering Practice" for form number.

[4] See "Money Required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers."

[5] See Sec. 3.29 in regard to assigning Class IV stations to regional channels.

§ 3.27 *Local channels; class IV.* The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1200, 1210, 1310, 1370, 1420, and 1500 kilocycles.*†

§ 3.28 *Assignment of stations to channels.* The individual assignments of stations to channels shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference See "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation", Section C.)*†

§ 3.29 *Assignment of Class IV stations to regional channels.* On condition that interference will not be caused to any Class III station. and that the channel is used adequately and properly for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.*†

§ 3.30 *Station location.* (a) Each standard broadcast station shall be considered located in the state and city where the main studio is located.

(b) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the city in which the main studio is located, in accordance with the "Standards of Good Engineering Practice," prescribed by the Commission.*†

§ 3.31 *Authority to move main studio.* The licensee of a standard broadcast station shall not move its main studio outside the borders of the city, State, district, Territory, or possession in which it is located without first making written application[7] to the Commission for authority to so move, and securing written permission for such removal. A licensee need not obtain permission to move the main studio from one location to another within a city or town, but shall promptly notify the Commission of any such change in location.*†

§ 3.32 *Special experimental authorizations.* (a) Special Experimental Authorizations[6] may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor[7] and satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience and necessity will be served by granting the authorization requested.

(b) In case of Special Experimental Authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A Special Experimental Authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

§ 3.33 *Directional antenna; showing required.* (a) No application for authority to install a directional antenna[8] will be accepted unless a definite site and full details of the design of the directional antenna are given with the application. (See "Data Required with Applications Involving Directional Antenna Systems.")

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See "Field Intensity Measurements in Allocation," Section B.)* †

§ 3.34 *Normal license period.* All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 700, 710, 720, 740, 750, 760, 770, 790, 800, 810, 820, 830, 850, 860, 870, 970, 980, 990, 100, 1020, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1460, 1470, 1480, 1490 kilocycles February 1.

(b) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890, 900, and 920 kilocycles April 1.

(c) For stations operating on the frequencies 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, and 1290 kilocycles June 1.

(d) For stations operating on the frequencies 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles August 1.

(e) For stations operating on the frequencies 1200, 1210, and 1310 kilocycles October 1.

(f) For stations operating on the frequencies 1370, 1420, and 1500 kilocycles December 1.* †

EQUIPMENT

§ 3.41 *Maximum rated carrier power: tolerances.* The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

Class of station	Maximum power authorized to station	Maximum rated carrier power permitted to be installed[1] *Watts*
Class IV	100 or 250 watts	250
Class III	500 or 1,000 watts	1,000
	5,000 watts	5,000
Class II	250, 500 or 1,000 watts	1,000
	5,000 or 10,000 watts	10,000
	25,000 or 50,000 watts	50,000
Class I	10,000 watts	10,000
	25,000 or 50,000 watts	50,000

[1] The maximum rated carrier power must be distinguished from the operating power. (See Secs. 2.18 and 2.19, which appear as Secs. 21.18 and 21.19 at 4 F.R. 2105 DI.)

*†

§ 3.42 *Maximum rated carrier power; how determined.* The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

(a) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in "Power Rating of Vacuum Tubes," prescribed by the Commission.

(b) If the maximum rated carrier power of any broadcast transmitter, as determined by paragraph (a) of this section, does not give an exact rating as recognized by the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(c) Authority will not be granted to employ, in the last radio stage of standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with "Requirements for the Approval of the Power Rating of Vacuum Tubes," prescribed by the Commission.* †

§ 3.43 *Changes in equipment; authority for.* No licensee shall change, in the last radio stage, the number of vacuum tubes to vacuum tubes of different power rating or class of operation, nor shall it change system of modulation without the authority of the Commission.[9] *

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[6] Special authorizations which do not involve experimental operation may be granted pursuant to § 15.15 (3 F.R. 2836 DI).

[7] Formal application required. See "Standards of Good Engineering Practice" for form number.

[8] Formal application required. See "Standards of Good Engineering Practice" for form number.

§ 3.44 *Other changes in equipment.* Other changes except as provided for in these Rules or "Standards of Good Engineering Practice," prescribed by the Commission, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission but in the next succeeding application for renewal of license such changes which affect the information already on file shall be shown in full.* †

§ 3.45 *Radiating system.* (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (Also see "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice. (See "Minimum Antenna Heights or Field Intensity Requirements" and "Field Intensity Measurements in Allocation," Section A.)

(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns except upon written application to and authority from the Commission.[10]

(d) The antenna and/or supporting structure shall be painted and illuminated in acordance with the specifications supplied by the Commission pursuant to Section 303(q) of the Communications Act of 1934, as amended. (See "Standard Lamps and Paints.")

(e) The simultaneous use of a common antenna or antenna structure by two standard broadcast stations or by a standard broadcast station and a station of any other class or service will not be authorized unless both stations are licensed to the same licensee. (See "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")*†

§ 3.46 (a) *Transmitter.* The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in these regulations.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of Article 810 of the current National Electrical Code as approved By the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band[11] which cause or which, in accordance with the Standards of Good Engineering Practice, are considered as being capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this rule, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements thereof will be published from time to time. (See "Construction, General Operation and Safety of Life Requirements.")*†

TECHNICAL OPERATION

§ 3.51 *Operating power; how determined.* The operating power of each standard broadcast station shall be determined by:

(a) Direct measurement of the antenna power in accordance with Sec. 3.54[12]

(1) Each new standard broadcast station.

(2) Each existing standard broadcast station after July 1, 1940.

(b) Indirect measurement by means of the plate input power to the last radio stage on a temporary basis in accordance with Secs. 3.52 and 3.53.

(1) In the case of existing standard broadcast stations and pending compliance with paragraph (a) (2) of this section.

(2) In case of an emergency where the licensed antenna has been damaged or destroyed by storm or other cause beyond the control of the licensee or pending completion of authorized changes[13] in the antenna system.

(c) Upon making any change[13] in the antenna system, or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, the licensee shall immediately make a new determination of the antenna resistance (see Sec. 3.54) and shall submit application for authority to determine power by the direct method on the basis of the new measurement.*†

§ 3.52 *Operating power: indirect measurement.* The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (E_p), the total plate current of the last radio stage (I_p) and the proper factor (F) given in the following tables:

that is

$$\text{Operating power} = E_p \times I_p \times F$$

A. Factor To Be Used for Stations Employing Plate Modulation in the Last Radio Stage

Maximum rated carrier power of transmitter:[1]	*Factor (F) to be used in determining the operating power from the plate input power*
100–1,000 watts	0.70
5,000 watts and over	.80

[1] The maximum rated carrier power must be distinguished from the operating power (See Secs. 2.18 and 2.19 which appear as Secs. 21.18 and 21.19 at 4 F.R. 2105 DI.)

B. Factor To Be Used for Stations of All Powers Using Low-Level Modulation

Class of power amplifier in the last radio stage:	*Factor (F) to be used in determining the operating power from the plate input power*
Class B	0.35
Class BC[1]	.65

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

C. Factor To Be Used for Stations of All Powers Employing Grid Modulation in the Last Radio Stage

Type of tube in the last radio stage:	*Factor (F) to be used in determining the operating power from the plate input power*
Table C[1]	0.25
Table D[1]	.35

[1] See "Power Rating of Vacuum Tubes."

*†

§ 3.53 *Application of efficiency factors.* In computing operating power by indirect measurement, the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See "Plate Efficiency of Last Radio Stage.")*†

§ 3.54 *Operating power; direct measurement.* The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.[14] These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.[15] The antenna ammeter shall not be changed to one of different type, maximum reading or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See "Further Requirements for Direct Measurements of Power.")*†

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[9] Formal application required. See "Standards of Good Engineering Practice" for form number.

[10] Informal application may be made, except in controversial cases or directional antenna; then formal application shall be made.

[11] See "Construction, General Operation and Safety of Life Requirements."

[12] Program tests on equipment including a new or different antenna system will not be authorized unless application for authority to determine power by the direct method has been granted or is submitted simultaneously with the application for license to cover the construction permit and the application for license will not be granted until such time as the application for direct measurement is approved.

[13] Changes shall not be made except upon making proper request and obtaining approval thereof in accordance with Secs. 3.45 and 3.58.

§ 3.55 *Modulation.* (a) A licensee of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 per cent. When the transmitter is operated with 85 percent modulation, not over 10 percent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 percent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors. (See "Approved Modulation Monitors" and also "Requirements for Approval of Modulation Monitors.")*†

§ 3.56 *Modulation: data required.* A licensee of a broadcast station claiming a greater percentage of modulation than the fundamental design indicates can be procured, shall submit full data showing the antenna input power by direct measurement and complete information, either oscillograms or other acceptable data, to show that a modulation of 85 percent or more, with not over 10 percent combined audio harmonics, can be obtained with the transmitter operated at the maximum authorized power.*†

§ 3.57 *Operating power; maintenance of.* The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge[16] shall be notified in writing immediately after the emergency develops. (See "Operating Power Tolerance.")*†

§ 3.58 *Indicating instruments.* Each broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage. These indicating instruments shall not be changed or replaced, without authority of the Commission, except by instruments of the same type, maximum scale reading, and accuracy. (See "Indicating Instruments Pursuant to Sec. 3.58.")*†

§ 3.59 *Frequency tolerance.* The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1940, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.*†

§ 3.60 *Frequency monitor.* The licensee of each standard broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. It shall have a stability and accuracy of at least 5 parts per million. (See "Approved Frequency Monitors" and also "Requirements for Approval of Frequency Monitors." *†

§ 3.61 *New equipment; restrictions.* The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in Sec. 3.59*†

§ 3.62 *Automatic frequency control equipment; authorization required.* New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization[17] from the Commission. (See "Approved Equipment")*†

§ 3.63 *Auxiliary transmitter.* Upon showing that a need exists for the use of an auxiliary transmitter[18] in addition to the regular transmitter of a broadcast station, a license therefor may be issued provided that:

(a) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(b) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(c) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time for the following purposes:

(1) The transmission of the regular programs upon the failure of the main transmitter.

(2) The transmission of regular programs during maintenance or modification[19] work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed five days.

(3) Upon request by a duly authorized representative of the Commission.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) is satisfactory. A record shall be kept of the time and result of each test operating under paragraph (c). Tests shall be conducted only between midnight and 9 a. m., local standard time.

(e) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(f) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by these regulations without any manual adjustment during operation or when it is being put into operation.

(g) The operating power of an auxiliary transmitter may be less than the authorized power but in no event shall it be greater than such power.*†

§ 3.64 *Duplicate main transmitters.* The licensee of a Standard Broadcast Station may be licensed for duplicate main transmitters provided that a technical need[20] for such duplicate transmitters is shown and that the following conditions are met:

(a) Both transmitters are located at the same place.

(b) The transmitters have the same power rating.

(c) The external effects from both transmitters is substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.*†

OPERATION

§ 3.71 *Minimum operating schedule.* Except Sundays, the licensee of each standard broadcast station shall maintain a minimum regular operating schedule of two-thirds of the total hours that it is authorized to operate during each broadcast day (both day and night), except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge[21] shall be notified in writing immediately after the emergency develops.*†

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[14] See "Indicating instruments Pursuant to Sec. 3.58."

[15] Formal application required. See "Standards of Good Engineering Practice" for form number.

[16] See "Field Offices of the Commission."

[17] Formal application required. See "Standards of Good Engineering Practice" for form number.

[18] All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See "Use of Frequency and Modulation Monitors at Auxiliary Transmitter.")

[19] This includes the equipment changes which may be made without authority as set forth elsewhere in the Rules and Regulations and the Standards of Good Engineering Practice or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of five days, request therefor shall be made in accordance with Sec. 15.15 (3 F.R. 2836 DI).

[20] Such as licensees maintaining 24 hour schedule and needing alternate operation for maintenance, or development work is being carried on requiring such alternate operation.

§ 3.72 *Operation during experimental period.* The license of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)*†

§ 3.73 *Specified hours.* If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in Secs. 3.71 and 3.72.*†

§ 3.74 *Sharing time.* If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this rule the file mark of the Commission will be affixed thereto, 1 copy will be retained by the Commission, 1 copy forwarded to the inspector in charge, and 1 copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.*†

§ 3.75 *Sharing time; equivalence of day and night hours.* For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations one night hour shall be considered the equivalent of two day hours.*†

§ 3.76 *Sharing time; experimental period.* If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with Sec. 3.72. Time sharing agreements for operation during the experimental period need not be submitted to the Commission.*†

§ 3.77 *Sharing time; departure from regular schedule.* Departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Inspector in Charge.[22] *†

§ 3.78 *Sharing time station; notification to Commission.* If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewal of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.*†

§ 3.79 *License to specify sunset hours.* If the licensee of a broadcast station is required to cease operation of the station at the time of sunset at some point within the United States, the license will specify the hour of the day during each month of the license period when operation of such station shall cease. (See "Average Sunset time.")*†

§ 3.80 *Secondary station: filing of operating schedule.* The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station or stations on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, bearing a signed notation by the licensee of the dominant station of its objection or lack of objection thereto. Upon approval of such operating schedule, the Commission will affix its file mark and return 1 copy to the licensee authorized to operate limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in Sec. 3.77.*†

§ 3.81 *Secondary station; failure to reach agreement.* If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.*†

§ 3.82 *Departure from schedule; material violation.* In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.*†

§ 3.83 *Local standard time.* All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.*†

§ 3.84 *Daylight saving time.* If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight-saving time, and not standard time, as long as daylight-saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight-saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, However,* That when the license specifies average time of sunset, local standard time shall be observed and in no event shall a station licensed for daytime only operate on regular schedule prior to 6 a. m. local standard time or shall a station licensed for greater daytime power than nighttime power operate with the daytime power prior to 6 a. m. local standard time.*†

§ 3.85 *Changes in time; agreement between licensees.* Where the local time is not changed from standard time to daylight-saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight-saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight-saving time is observed at the location of some of these stations.*†

§ 3.86 *Local standard time; license provisions.* The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.*†

§ 3.87 *Station license; posting of.* The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner. (See Secs. 2.51 and 2.52.[23])*†

§ 3.88 *Licensed operator required.* The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located. (See Sec. 2.53.[23])*†

§ 3.89 *Licensed operator; other duties.* The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, However,* That such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.*†

§ 3.90 *Logs.* The licensee of each broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(a) In the program log,

(1) An entry of the time each station identification announcement (call letters and location) is made.

(2) An entry briefly describing each program broadcast, such

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[21] See "Field Offices of the Commission."

[22] See "Field Offices of the Commission."

[23] Appear as Secs. 22.11, 22.12 and 22.13 at 4 F.R. 2106 DI.

as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending. If a mechanical record is used, the entry shall show the exact nature thereof such as "record," "transcription," etc., together with the name or title of each, and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(3) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(b) In the operating log.

(1) An entry of the time the station begins to supply power to the antenna, and the time it stops.

(2) An entry of the time the program begins and ends.

(3) An entry of each interruption to the carrier wave, its cause and duration.

(4) An entry of the following each 30 minutes:

(i) Operating constants of last radio stage (total plate current and plate voltage).

(ii) Antenna current.

(iii) Frequency monitor reading.

(iv) Temperature of crystal control chamber if thermometer is used.

(5) Log of experimental operation during experimental period (If regular operation is maintained during this period, the above logs shall be kept).

(i) A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.*†

§ 3.91 *Logs; retention of.* Logs of standard broadcast stations shall be retained by the licensee for a period of two years except when required to be retained for a longer period in accordance with the provisions of Sec. 2.54.*†

§ 3.92 *Station identification.* (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation on the hour and half hour as provided below:

(b) Such identification announcement during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert or operatic production of longer duration than thirty minutes. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of such program.

(c) In case of variety show programs, baseball game broadcasts, or similar programs, of longer duration than thirty minutes, the identification announcement shall be made within five minutes of the hour and half hour.

(d) In case of all other programs (except provided in paragraphs (b) and (c) of this section) the identification announcement shall be made within two minutes of the hour and half hour.

(e) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.*†

§ 3.93 *Mechanical reproductions.* Each broadcast program consisting of a mechanical record, or a series of mechanical records, shall be announced in the manner and to the extent set out below:

(a) A mechanical record, or a series thereof, of longer duration than fifteen minutes shall be identified by appropriate announcement at the beginning of the program, at each fifteen minute interval, and at the conclusion of the program: *Provided, however,* That the identifying announcement at each fifteen minute interval is not required in case of a mechanical record consisting of a single, continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than fifteen minutes;

(b) A mechanical record, or a series thereof, of a longer duration than five minutes and not in excess of fifteen minutes shall be identified by an appropriate announcement at the beginning and end of the program;

(c) A single mechanical record of a duration not in excess of five minutes shall be identified by appropriate announcement immediately preceding the use thereof;

(d) In case a mechanical record is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical record is required.

(e) The exact form of the identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood by the listening public. The use of the applicable identifying words such as "a record," "a recording," "a recorded program," "a transcription," "an electrical transcription," will be considered sufficient to meet the requirements hereof. The identifying words shall accurately describe the type of mechanical record used, i. e., where a transcription is used it shall be announced as a "transcription" or an "electrical transcription" and where a phonograph record is used it shall be announced as a "record" or a "recording." *†

§ 3.94 *Rebroadcast.* (a) The term "rebroadcast" means reception by radio of the program[24] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[25]

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.[26]

(c) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.[27] [28]

(d) In case of a program rebroadcast by several standard broadcast stations such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of station originating the program.

Attention is directed to Section 325 (b) of the Communications Act of 1934, which reads as follows:

"No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor."[29]*†

BROADCASTS BY CANDIDATES FOR PUBLIC OFFICE

§ 3.101 *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate.*†

§ 3.102 *Definitions.* The following definitions shall apply for the purposes of Sec. 3.101:

(a) "A legally qualified candidate" means any person who has met all the requirements prescribed by local, state or federal authority, as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws.

(b) "Other candidates for that office" means all other legally qualified candidates for the same public office.*†

§ 3.103 *Rates and practices.* The rates, if any, charged all such candidates for the same office, shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities or services for or in connection with service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the *exclusion of other legally qualified candidates* for the same public office.*†

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[24] As used in Sec. 3.94 "program" includes any complete program or part thereof, or any signals if other than A_3 emission.

[25] In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

[26] The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

[27] The broadcasting of a program relayed by a relay broadcast station (Sec. 4.21) is not considered a rebroadcast.

[28] Informal application may be employed.

[29] Formal application required. See "Standards of Good Engineering Practice" for form number.

§ 3.104 *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.*†

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2229; Filed, June 27, 1939; 3:05 p. m.]

CHAPTER III—RULES GOVERNING STANDARD BROADCAST STATIONS

The Commission, on June 23, 1939, repealed the following rules to become effective August 1, 1939:

Rule No.:	*C. F. R. Section No.*
69	30.02.
70	31.01.
71	30.01.
72–83, inclusive	30.11–30.22, inclusive.
84–91, inclusive	30.03–30.10, inclusive.
103	30.34.
113	31.10.
115–120, inclusive	31.02–31.06, inclusive.
120.1	Not codified.
121–124, inclusive	31.07–31.09, inclusive.
125–132, inclusive	32.01–32.08, inclusive.
134	33.01. 33.02. 33.03.
135	33.04.
136	33.05.
137	33.06.
139–150, inclusive	33.08–33.19, inclusive.
151–163, inclusive	34.01–34.13, inclusive.
166–168, inclusive	34.16–34.18, inclusive.
171	34.21.
172	34.30.
175–177, inclusive	34.33–34.35, inclusive.
177.1	34.36.
177.2	34.37.
178	34.38.
181	34.41.
36 (a) 1	Not codified.
36 (a) 2	Not codified.
36 (a) 3	Not codified.
36 (a) 4	Not codified.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2230; Filed, June 27, 1939; 3:05 p. m.]

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The next regular meeting of the Commission will be July 26.

The following hearing is scheduled by the Commission in a broadcast case during the week beginning Monday, July 24. It is subject to change.

Monday, July 24

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

September 25

NEW—Union Broadcasting Co., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.,** 500 watts, Emission A-3, unlimited, according to Rule 983(a).

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

Hearing Before Commissioner Case
Broadcast

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.,** 100 watts, specified hours.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast (experimental) station W2XUP on the frequency **25700 kc.** only, for the period July 17 to 3 a. m., EST, August 1, 1939, pending effective date of new frequency allocation.

W8XWJ—The Evening News Association, Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast (experimental) station W8XWJ on frequency **42060 kc.,** in addition to the normal licensed frequencies, for the period July 16 to 3 a. m., EST, August 1, 1939, pending definite arrangements to be made in the ultra high frequency bands.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Granted motion to take depositions in re application of KGLO for C. P. to change frequency, power and time of operation (requesting facilities of KWLC and KGCA), and the application of KWLC, Decorah, Iowa, for renewal of license.

NEW—John R. Pepper, Greenville, Miss.—Granted petition for permission to withdraw appearance in re application of Hot Springs Broadcasting Co. for a new station in Hot Springs, Ark.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Granted motion to extend time for filing Proposed Findings of Fact and Conclusions in re application for new station to September 20, 1939.

KRKO—Lee E. Mudgett, Everett, Wash.; and NEW—The Everett Broadcasting Co., Inc., Everett, Wash.—Granted motion for addition of time to file Proposed Findings of Fact and Conclusions to September 20, 1939, in re applications of KRKO for C. P. to change facilities, voluntary assignment of license to Everett Broadcasting Co., and renewal of license of KRKO, and the application of Cascade Broadcasting Co., Inc., for a new station.

NEW—Harry Jackson, Harrisburg, Pa.—Granted motion to extend time for filing Proposed Findings of Fact and Conclusions in re application for C. P. for general experimental station, from July 13 to July 28, 1939.

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted extension of time to August 7, 1939, within which to file Proposed Findings of Fact and Conclusions in re application to move transmitter and studio to Kansas City, Kans., and Kansas City, Mo., respectively, install DA, and operate on **1220 kc.,** 1 KW, 5 KW LS, shares KFKU.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Granted special temporary authority to operate simultaneously with station KGFL from 6:45 p. m. to 7:30 p. m., MST, July 16, 1939, in order to celebrate seventh anniversary of Radio Station KICA.

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authority to operate high frequency broadcast station W3XO on a frequency of **43.2 mc.,** with the regular power of 1000 watts, pending effective date of new high frequency allocation, for the period July 29 to 3 a. m., EST, August 1, 1939.

WTAR—WTAR Radio Corporation, Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power, using directional antenna, for the period July 14 to August 12, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.,** reduces power so that additional interference is not involved, or until defective directional system is corrected by installing new tuning condensers.

WNEL—Juan Piza, San Juan, P. R.—Denied special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W3XL and W3XAL over station WNEL, on a non-commercial experimental basis only, for a period not to exceed thirty days.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays: July 17, 24 and 31, in order to broadcast special programs from Louisiana State University and special addresses by the president and members of the faculty of that University.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period August 1 to 30, 1939, in order to broadcast educational programs.

W2XBT—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate television broadcast (experimental) station on frequency band **156-162 mc.,** for a period not to exceed 30 days pending adjustment of license to conform with provisions of Rule 43.13.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.,** using 10 KW, employing directional antenna system after sunset at Portland, Ore. (July, 8 p. m., PST), for the period July 22 to August 1, 1939.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.,** using 5 KW, for the period July 22 to August 1.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted extension of special temporary authority to reduce power 15 minutes earlier than specified on license when necessary to prevent interruption of continuous programs, during month of July.

WSGN—The Birmingham News Co., Birmingham, Ala.—Granted special temporary authority to make transmitter site tests, using 100-watt portable transmitter, between the hours of 12 midnight and 6 a. m., CST, for a period not to exceed 30 days.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (August, 7 p. m., CST) to 11 p. m., CST, using 100 watts, on August 6, 13, 20 and 27, in order to broadcast church services. Also granted special temporary authority to operate from local sunset (August, 7 p. m., CST) to 11:05 p. m., CST, using 100 watts, August 1, War Anniversary program; August 7, 14, 21, 28, Legion programs; August 8, 15, 22, 29, Theatre of the Air; August 2, 9, 16, 23, 30, Welcome Neighbor program; August 3, 17, 24, 31, E. Texas Chamber of Commerce program; August 10, Herbert Hoover program; August 4, 11, 18, 25, Community Jamboree; August 5, 12, 19, 26, Fair program.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted extension of special temporary authority to operate with directional antenna, 50 KW power, from 6 a. m. to one hour before sunset, for the period July 17 to July 26, 1939, in order to make proof of performance measurements in accordance with construction permit granted November 28, 1938.

W1XO—The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Granted C. P. for changes in equipment of relay broadcast station and decrease in power from 50 to 25 watts.

NEW—WIBX, Inc., Portable-Mobile (area of Utica, N. Y.).—Granted C. P. for new relay broadcast station to operate on **1622, 2058, 2150** and **2790 kc.,** 50 watts.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile (area of Hartford, Conn.).—Granted C. P. for new high frequency relay broadcast station to operate on frequencies **31220, 35620, 37020, 39260 kc.,** power 0.2 watts.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted license to cover C. P. authorizing local moxe of station, installation of new equipment, and increase in power from 500 watts to 1 KW night, 5 KW day, employing DA system for both day and nighttime operation.

WTMC—John T. Alsop, Jr., Ocala, Fla.—Granted license to cover C. P. for new station to operate on **1500 kc.,** 100 watts, unlimited time.

KDRO—Drohlich Bros., Sedalia, Mo.—Granted modification of C. P. approving transmitter and studio sites, changes in authorized equipment, and installation of vertical radiator.

WLNH—The Northern Broadcasting Co., Laconia, N. H.—Granted license to cover C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time.

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Granted modification of C. P. approving transmitter and studio sites and installation of vertical radiator.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted authority to install automatic frequency control apparatus, auxiliary transmitter.

KVOD—Colorado Radio Corp., Denver, Colo.—Granted modification of C. P. approving transmitter site in Denver at 56th Ave. and Pecos St., installation of new equipment, and extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from relay broadcast stations W8XIG and W8XHV, in connection with National Rowing Regatta, from 12 noon to 6 p. m., EST, on July 20, 21 and 22.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Denied special temporary authority to operate simultaneously with station WAZL from 8:30 p. m., EDST, to conclusion of Philadelphia National League baseball game on July 19.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted special temporary authority to operate a 50-watt portable television transmitter on frequency **45¼ mc.,** for the period August 1 to 30, in order to make site survey for new location of experimental television station W9XZV.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to reduce power from 1 KW to 250 watts for a period not to exceed 10 days, while rebuilding transmitter in accordance with C. P.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 8 to 9 p. m., MST, on July 27, in order to broadcast State Safety Program.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.,** using 10 KW power, employing DA system after sunset at Portland, Ore. (August, 7:15 p. m., PST), for the period August 1 to August 30.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.,** using 5 KW, for the period August 1 to August 30.

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate from 8 to 9 p. m., CST, for the period September 20 to October 1, in order to broadcast revival services of Fisher Street Church of Christ in Jonesboro, subject to compliance with Rule 15.15.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent from 7:15 to 9:15 p. m., CST, on August 1, 3, 8, 10, 15, 17, 22, 24, 29, 31, and from 8:15 p. m. to 9:15 p. m., CST, on August 2, 9, 16, 23, 30, in order to observe summer vacation.

KGGF—Hugh J. Powell, Coffeyville, Kans.—To operate on above-mentioned dates in order to permit WNAD to remain silent during summer vacation.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMAM—M & M Broadcasting Co., Marinette, Wis.—Modified construction permit (B4-P-2130) for new station, requesting approval of antenna and approval of studio and transmitter sites.

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authority for transmission of facsimile signals from midnight to 6 a. m. for period ending 3-1-40.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to make changes in directional antenna. Amended: antenna changes.

890 Kilocycles

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—License to cover construction permit (B3-P-2318) as modified for increase in power, install directional antenna for night use and make changes in equipment.

1200 Kilocycles

WABI—Community Broadcasting Service, Bangor, Maine.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

1210 Kilocycles

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Authority to transfer control of corporation from Harry B. Greaves, T. B. Lanford, R. M. Dean, John Caruthers, to Mrs. Lucille Buford, Mrs. S. P. Ross, Sam W. Ross, and Paschal Buford, 100 shares common stock.

NEW—Yuma Broadcasting Co., Yuma, Ariz.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 100 watts night, 250 watts day, unlimited time. Amended: antenna to be determined, transmitter site to be determined.

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—License to cover construction permit (B1-P-2275) for new equipment, increase in power and hours of operation.

1250 Kilocycles

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Construction permit to install new transmitter, directional antenna for night use; changes in frequency from **1250 kc.** to **710 kc.**; increase power from 1 KW night, 5 KW day, to 10 KW day and night; and move transmitter.

1260 Kilocycles

KPAC—Port Arthur College, Port Arthur, Tex.—Modified construction permit (B3-P-206) for change in frequency, hours of operation, equipment changes, installation of directional antenna for night use, and move of transmitter, further requesting changes in antenna and installation of new transmitter, extend commencement and completion dates 20 and 120 days, respectively.

1280 Kilocycles

WORC—Alfred Frank Kleindienst, Worcester, Mass.—License to cover construction permit (B1-P-2270) for installation of directional antenna for day and night use.

1370 Kilocycles

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Special experimental authority to operate a synchronous station using 100 watts power for regular license period, install 100-watt transmitter, studio and transmitter site to be determined.

1420 Kilocycles

KRLH—Clarence Scharbauer, Midland, Tex.—Construction permit to make changes in equipment; change power and hours of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time. Amended to change from construction permit to modified license, omit request for equipment changes and request 100 watts power day and night.

1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—License to cover construction permit (B2-P-2090) as modified for new equipment, directional antenna for night use, and increase in power.

1500 Kilocycles

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

MISCELLANEOUS

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Modified license to add frequency **6080 kc.** to present authorized frequencies.

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Modified license to add frequency **25600 kc.** to present authorized frequencies.

NEW—Central New York Broadcasting Corp., Portable-Mobile.—Construction permit for new relay broadcast station on **31220, 35620, 37020, 39260 kc.**, power of 12 watts, A3 Emission.

NEW—Central New York Broadcasting Corp., Portable-Mobile.—Construction permit for new relay broadcast station on **1606, 2022, 2102, 2758 kc.**, power of 12 watts, A3 Emission.

WDAC—University of Wisconsin, Portable-Mobile.—License to cover construction permit (B4-PRY-150) as modified for new relay station.

WDAC—University of Wisconsin, Portable-Mobile.—Modified construction permit (B4-PRY-150) requesting equipment changes.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—License to cover construction permit (B4-PHB-65) for changes in equipment, move of transmitter, and increase in power (application specified **42460 kc.** as assigned under new rules).

W9XBF—WDAY, Inc., Portable-Mobile.—License to cover construction permit (B4-PRE-255) for new relay station.

NEW—Don Lee Broadcasting System, Portable-Mobile.—Construction permit for new developmental broadcast station for portable-mobile operation in Western United States on **1614, 2398, 3492.5, 4797.5, 6425, 9135, 12862.5, 17310, 23100, 31540, 35460, 39460 kc.**, 125 watts power, unlimited time A1, A3 Emission (to be used as an experimental long distance relay transmitter to feed programs to stations of the Don Lee Mutual Broadcast Systems).

W3XIS—WLBG, Inc., Mobile.—Modified license to change corporate name from WLBG, Inc., to Richmond Radio Corp.

WAHM—WLBG, Inc., Portable-Mobile.—Modified construction permit (B2-PRY-160) to change corporate name to Richmond Radio Corp.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Central States Supply Company—Use of lottery methods in the sale of fishing tackle, silverware, rifles, radios, cups, blankets, and other articles is alleged in a complaint issued against Rose Greenberg, trading under the name of Central States Supply Company, 537 South Dearborn St., Chicago. The respondent is alleged to have furnished others with push cards for use in the sale of her merchandise to ultimate consumers. (3845)

House of Royalsun—False representations in the sale and distribution of various grades and types of textile fabrics and knitting yarns are alleged in a complaint issued against Samuel R. Israel and Al Goldstein, trading as House of Royalsun, 25 Essex St., New York.

The complaint alleges that the respondents have falsely represented the constituent fiber or material of their products by means of labels and in advertisements, and by failing to disclose the rayon content of certain of their products; that they have falsely represented that purchasers of their products received certain discounts or savings, and that they have falsely represented that they employed one of the foremost authorities in the East on mail-order instructions and fashion designs, whose services were available to the respondents' customers.

The respondents are also alleged to have falsely represented that they maintain a separate unit in their organization for blocking and cleaning garments; that this unit is operated by experts; that the respondents' plant is equipped to specialize in such work, and that this branch of the business is on a non-profit basis, being operated solely as a service for their customers. (3849)

Inland Sales Corporation—Use of lottery methods in the sale of sports jackets, pens, pencils and other articles is alleged in a complaint issued against A. Laskey, J. Samuels and J. P. Sheehan, trading as Inland Sales Corporation, 1719 W. Division St., Chicago.

The respondents are alleged to have distributed to the purchasing public push cards for use in the sale of their merchandise to ultimate consumers. (3846)

Landon & Warner Company—See Purity Products Company.

Penn Products—See Dr. Ron-al Medicine Company.

Dr. Penn's Products Company—See Dr. Ron-al Medicine Company.

Purity Products Company—False advertising in the sale and distribution of "Wheatol", claimed to contain Vitamin E, is alleged in a complaint issued against Willard C. and Maude B. McAhren, trading under the name of Purity Products Company, 801 Bluff Road, Sioux City, Iowa, and Landon & Warner Company, 360 North Michigan Ave., Chicago, advertising agents for Willard C. and Maude B. McAhren.

The complaint alleges that the respondents have made, directly or by implication, the following misleading representations: that impairment of youthful vigor, vitality and general well-being in men up to and considerably over 50 years of age is due to an inadequate supply of Vitamin E and can be averted or delayed by the use of Wheatol, and that, in women, inability to bear children successfully after conception is due to a deficiency of Vitamin E and will be remedied by the use of Wheatol. (3847)

Dr. Ron-al Medicine Company—A complaint has been issued against Irving Sofronski, trading as Dr. Ron-al Medicine Company, Dr. Penn's Products Company, and Penn Products, 7342 Ogontz Ave., Philadelphia, alleging dissemination of false advertisements concerning "Dr. Ron-al's Relief Compound", represented as a remedy for delayed menstruation.

This is the second Commission complaint in a series of seven cases in which preliminary injunctions were recently granted by the Federal courts on petition of the Federal Trade Commission prohibiting dissemination of advertisements which represent certain preparations of this character as being safe, competent and scientific treatments for delayed menstruation and as having no ill effects, and which fail to reveal that the use of such preparations under conditions as prescribed in the advertisements, or under customary and usual conditions, may result in serious injury to the health of users. The injunctions remain in effect until final disposition of the Commission's complaints under the Federal Trade Commission Act.

The Commission's complaint in the Sofronski case alleges that the respondent's product does not, as advertised, accomplish results without pain or delay; that its use under certain conditions may result in gastro-intestinal disturbances leading to excessive uterine hemorrhage, and when used to interfere with the normal course of pregnancy, may cause septicemia. The complaint further alleges that use of the respondent's preparation is a menace to the health and life of pregnant women. (3848)

CEASE AND DESIST ORDERS

The commission has issued the following cease and desist orders:

American Memorial Company, 2135 Piedmont Road, Atlanta, Ga., was ordered to discontinue misleading representations in the sale of granite or marble monuments, tombstones or footstones.

The Commission finds that monuments which the respondent represents as being "everlasting" are not everlasting; that stones represented as weighing 400 pounds weighed substantially less than that amount; that the respondent was not the manufacturer of its granite tombstones as advertised, and that representations that purchases made through the respondent eliminate profits of the middleman were misleading.

The order prohibits representations that the respondent's monuments, tombstones, or footstones are everlasting; that its monuments or tombstones weigh 400 pounds or any specified weight until that is a fact; that the respondent manufactures its granite monuments or tombstones, and that it has posted a bond guaranteeing the quality of its products. (3369)

Hart, Schaffner & Marx, 36 South Franklin St., Chicago, and its subsidiary, Wallach's, Inc., Fifth Ave. and 33rd St., New York, were ordered to discontinue misleading representations in the sale of men's clothing.

The order prohibits use by the respondents of the unqualified word "Silk" or "Silkool", or similar words, to designate fabrics which are not composed wholly of unweighted silk, except that in the case of a fabric or product composed in part of unweighted silk and in part of other materials, such descriptive words may be used as descriptive of the silk content if conspicuously accompanied by other words accurately designating each constituent fiber or material in the order of its predominance by weight, beginning with the largest single constituent.

The order also forbids the advertisement or sale of men's clothing composed wholly or partly of rayon without clear disclosure of the rayon composition, and where such clothing is composed in part of rayon and in part of other fibers, such fibers, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent. (3560)

Interstate Premium Novelty Company—See Schall Candy Company.

Monica M. Rock, individually and as executrix of the estate of Dr. Arthur A. Rock, Milwaukee, has been ordered to discontinue misleading representations in the sale of medicinal preparations for treating goiter.

The Commission finds that tablets and an ointment sold by the respondent are not a scientific, efficacious, safe and proper treatment for any type of goiter, nor do they have any therapeutic value; that, contrary to the respondent's representations, medication is not a proper and efficacious treatment for all types of goiter, surgery being the only effective remedy in some types; that the respondent cannot accurately diagnose cases of goiter from answers submitted by patients on the question blanks furnished by the respondent, and that the respondent, has not successfully treated and cannot successfully treat goiter my mail. (2509)

Schall Candy Company—Orders have been issued to a Clinton, Iowa, candy distributor and a Brooklyn, N. Y., dealer in novelty articles prohibiting the use of lottery devices in the sale of their merchandise to ultimate consumers.

The Schall Candy Co., Clinton, Iowa, was found to sell to wholesale dealers, jobbers and retail dealers, certain assortments of candy so packed and assembled as to involve the use of lottery schemes when so sold and distributed to consumers.

The Commission ordered the Schall Candy Co. to cease and desist from supplying others with candy assortments or other merchandise, together with push or pull cards, punch boards or other lottery devices which may be used in selling or distributing such candy or merchandise; supplying lottery devices, either with assortments of candy or other merchandise, or separately, which devices may be used in selling or distributing such candy, or other merchandise, and selling or otherwise disposing of merchandise by the use of such devices.

Max Bergman, trading as Interstate Premium Novelty Company, 700 Glenmore Ave., Brooklyn, N. Y., was found to sell articles such as dresser sets, watches, bedspreads, quilts, cameras, dolls, kitchenware, silverware, razors, razor blades, fountain pen and pencil sets, jewelry, cigarette lighters, cosmetics, pocketknives, mirrors, men's and women's clothing, and other merchandise, through agents, who were supplied with pull card devices for use in promoting sales to ultimate purchasers.

It was ordered that Max Bergman cease distributing lottery devices to his agents or others, to enable such persons to sell merchandise, and to cease disposing of merchandise by the use of lottery devices. (3776 and 3577)

Wallach's, Inc.—See Hart, Schaffner & Marx.

STIPULATIONS

The Commission has entered into the following stipulations:

Cary Manufacturing Company—W. Earl Cary, trading as Cary Manufacturing Company, 1116 West Washington Blvd., Los Angeles, entered into a stipulation to desist from use of the word "manufacturing" in conjunction with his trade name, or use of any word which would imply that the respondent makes the merchandise sold by him, or that he actually owns and operates or controls the plant or factory in which his merchandise is made, when in truth he is engaged only in the sale and distribution of a kitchen utensil designated "The Cary Vapor Cooker." (2486)

Commercial Silk Company—Two textile companies entered into stipulations to discontinue misleading representations.

The Commercial Silk Company, having its principal place of business in Paterson, N. J., and a manufacturing plant at Altoona, Pa., agreed, in its stipulation, to cease using the word "Silk" as part of its corporate or trade name and the term "manufacturers of silks," when actually it manufactures and sells only rayon fabrics.

Martin Weiner, trading as Martin Weiner Company, New York, stipulates that he will cease representing himself to be a manufacturer of silk or rayon or any other products when in fact he is engaged only in the sale and distribution of fabrics. (2484-2485)

Correspondence Register—Mary Lee Saltz, conducting a business in her own name and as Mary Lee's Club and as Correspondence Register, Rolla, Mo., entered into a stipulation to discontinue false and misleading representations in the sale of lists of persons wishing to correspond for social and matrimonial purposes, and memberships in a correspondence club.

In her stipulation, the respondent admitted that the price charged for membership in her club is not a "special offer," as represented in advertisements, but the regular price. She also admitted that no inquiry is made to determine the moral, business, social or financial standing of her clients; nor are records kept to indicate the outcome of the correspondence or resulting marriages for which the respondent advertises definite claims.

Under the stipulation, the respondent agreed to cease representing that any offer is "special" unless that is a fact; that club members are suited in correspondence or married within any specified time, or at all, unless supported by sufficient investigation as to actual fact; or that parties seeking correspondents are worth any specified amounts, or have any social, business or financial standing, other than that disclosed by a competent investigation. (02402)

Foster Canning Company, Inc., Glendale, Long Island, N. Y., entered into a stipulation to discontinue misrepresentations in the sale of a dog food designated "Dr. Olding."

The respondent agreed to cease use in advertising matter of the word "meat," alone or in connection with the words "food product" or with other words so as to imply that its product is composed wholly of meat, when such is not a fact.

The stipulation provides that if the preparation is composed substantially of meat and partly of other ingredients, and the word "meat" is used to describe the meat content, it shall be accompanied by other words in conspicuous type clearly indicating that ingredients other than meat are present.

The respondents also agreed to cease representing directly or by implication that its product contains more real fresh beef or meat than products of its competitors, when such is not a fact. (02487)

Mary Lee's Club—See Correspondence Register.

Martin Weiner Company—See Commercial Silk Company.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 30, July 28, 1939

McNinch Resigns: J. L. Fly Named Successor

While no official letter of resignation and acceptance has been given out by the White House, it is understood that Chairman Frank R. McNinch has resigned and that his resignation becomes effective September 1.

James L. Fly, general counsel for the Tennessee Valley Authority, was today nominated by President Roosevelt for the unexpired term. Senate confirmation is expected before adjournment.

The new commissioner, age 41, is a native of Texas, a graduate of the Naval Academy and of Harvard Law School. He was one-time secretary to Senator Pat Harrison of Mississippi. During the Hoover administration he served as special assistant to the Attorney-General and handled several important anti-trust suits, including the Sugar Institute case in 1932. He was appointed general solicitor of the TVA in 1934 and three years later was named general counsel.

Following his anticipated confirmation by the Senate, the general opinion prevails in Washington that he will be named chairman of the Commission on September 1, when it is expected Mr. McNinch will officially relinquish his post.

On Tuesday of this week Mr. McNinch conferred with the President and later notified reporters that he told the President of his desire to retire because of ill health. Mr. McNinch

(Continued on page 3624)

COPYRIGHT DEVELOPMENTS

Music copyright continued to claim the principal interest of the broadcast industry, following the annual membership meeting of the NAB, which was concluded at Atlantic City, N. J., on July 13.

Pertinent developments were:

1. The Department of Justice has revived interest in the anti-trust suit against ASCAP instituted in the Federal District Court for the Southern District of New York, the trial of which was recessed during the fall of 1935.
2. The NAB Copyright Negotiating Committee headed by President Neville Miller and the ASCAP Committee, headed by Mr. Gene Buck, are scheduled to meet to discuss the basis for a new contract at New York on August 3.
3. Senator Wheeler, chairman of the Senate Interstate Commerce Committee, has introduced a bill in the Senate which would amend the Copyright Act of 1909 by limiting the application of the damage section to the originating station in the case of network broadcasts.
4. As Congress nears the time for adjournment interest in the resolution of adherence to the International Copyright Union was intensified.
5. All prospect for Congressional action of any kind on the so-called "compromise bill" to amend and consolidate the copyright laws during the present session vanished.

At the invitation of Senator Wheeler of Montana, a five-hour conference was held in Washington on July 12, with a view to discussing some of the problems growing out of the Montana copyright situation. In addition to Senator Wheeler, Mr. Gene Buck, president, and Mr. Frolich, general counsel of ASCAP, Mr. Ed Craney, rep-

(Continued on page 3624)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

McNINCH RESIGNS: J. L. FLY NAMED SUCCESSOR

(Continued from page 3623)

was sworn in as chairman of the FCC on October 1, 1937, filling out the unexpired term of the late Commissioner Anning Prall, who was reappointed to the Commission for a seven-year term from July 1, 1935. The appointment of Mr. Fly will be for the remainder of this unexpired seven-year term, ending July 1, 1942.

"Who's Who" reveals that Mr. Fly was graduated from the Dallas, Texas, High School and in 1920 graduated from the U. S. Naval Academy. He retired from navy service in 1923, became a law clerk and entered Harvard Law School, graduating in 1926. He was engaged in private law practice until 1929 when he became special assistant to the U. S. Attorney General, handling anti-trust suits and regulatory measures under commerce power.

In 1934 he became counsel for the Tennessee Valley Associated Cooperatives, Inc., and from here he went into his association with the TVA. He is married and the father of two children.

COPYRIGHT DEVELOPMENTS

(Continued from page 3623)

resenting Station KGIR, and Mr. Phil Loucks, representing Station KFBB, were present. As a result of the so-called Montana anti-ASCAP law and the litigation instituted in that State, ASCAP has cancelled the licenses of all Montana stations, although the networks are continuing to serve their Montana affiliates with programs. Mr. Buck explained that the Society and the NAB were holding conferences looking toward renewal of the present licenses which expire December 31, 1940, and made it clear that whatever may be the final result of these negotiations the Society in the future would issue but one form of contract for all types of stations. He said that the Society had not decided upon the form of contract that would be acceptable or the basis for compensation, but that a factual survey of the entire broadcast matter as it affected ASCAP was now under way. The results of this survey, he said, would be made available to the ASCAP and NAB Committees. No agreement was reached with respect to the Montana copyright tangle during the conference.

The question of clearing music at the point of origination was raised during the conference and later this same question was discussed at an informal conference attended by Senator Wheeler, President Miller of the NAB, Mr. Frank M. Russell, vice-president of NBC, Mr. Harry C. Butcher, vice-president of CBS, Mr. Craney and Mr. Loucks. Senator Wheeler expressed it as his feeling that legal liability for an unauthorized performance of a copyrighted musical composition ought to rest with the station originating the program in which such work was included and this aspect of the general problem was discussed in detail during the conference.

Following this conference Senator Wheeler introduced in the Senate a bill (S. 2846) which would amend Section 25, the present Copyright Law by adding after paragraph (e) the following language:

"In the case of an infringement by radio broadcasting, the liability for the use of a copyrighted work in broadcasting from and through the facilities of two or more connected stations shall rest solely with the station, person, firm, or corporation from and through whose facilities the performance, transmission, or dissemination of such copyrighted work is originated; except that the liability for the use of a copyrighted work in broadcasting by means of electrical transcriptions or other forms of recording manufactured, sold, leased, or licensed exclusively for broadcasting purposes shall rest solely with the manufacturer of such electrical transcriptions or other forms of recording."

The bill was referred to the Senate Patents Committee of which Senator Homer Bone of Washington is chairman. It is understood that Chairman Bone is favorable to the legislation but because the Congress is preparing for adjournment during the coming week, no action can be expected during the present session.

Because of the acuteness of the Montana situation, Senator Wheeler has taken an active interest in the broadcasters' copyright problem and has promised his assistance in effectuating a settlement.

After several years of inactivity the Department of Justice has revived interest in the anti-trust suit against ASCAP, and Mr. Thurman Arnold, head of the Department's Anti-trust division, has named Mr. Robert M. Cooper Special Assistant to the Attorney General to study the matter.

The NAB Copyright Negotiating Committee, headed by President Miller, and including in its membership Mr. Edward Klauber, executive vice-president of the Columbia Broadcasting System; Mr. Lenox R. Lohr, president of the National Broadcasting Company; Mr. Sam Rosenbaum, chairman of the IRNA group, and Mr. John Elmer of Station WCBM, Baltimore, will meet with the ASCAP Committee headed by Mr. Buck and including Mr. John G. Paine, general manager of ASCAP; Mr. Frolich, general counsel of ASCAP, and several members to be named will meet at New York on August 3 to continue their discussions in line with the resolution adopted by the broadcasters at their Atlantic City meeting.

All prospect for copyright legislation, and for that matter all radio legislation, vanished as Congress prepared for adjournment possibly next week. However, the resolution reported favorably by the Senate Foreign Relations Committee recommending adherence by this country to the International Copyright Convention remains on the Senate's executive calendar and might be brought before the Senate before adjournment. Much opposition has developed to this resolution although proponents of adherence are expected to press for adoption.

Another measure which might receive consideration during the dying days of the Congress is the O'Mahoney bill which would amend penalty sections of the anti-trust laws. This bill (S. 2719) which carries into effect the interim recommendations of the monopoly committee headed by Senator O'Mahoney, might have a bearing upon the ultimate result of the Government's anti-trust suit against ASCAP. A strong eleventh hour fight to secure passage of this measure is anticipated.

News About the *Code*

Copies of the Code have been sent to every member of the Congress and to key people prominent in national life. They have been asked to examine its provisions carefully and to give Headquarters the benefit of any comment or criticism they care to make.

—o—

The Code has also been sent to every major advertising agency and major advertiser, stating that it is the desire of the broadcasting industry to secure their cooperation in raising the public acceptance of radio to a new high level.

—o—

The exact date when the Code will become effective will be announced by the Board of Directors at its September meeting. Though nothing is official at this time, it is anticipated that the Board will select an early fall date. John Shepard, III, this week announced that the Yankee Network had already put the Code into effect on its stations.

—o—

Letters of commendation from civic, religious and educational groups throughout the country continue to come into Headquarters. An analysis of the editorial comment of the press is still under way. It is safe to announce at this time, however, that the overwhelming majority of press opinion is favorable to the step taken by the broadcasters in formulating a new Code and especial praise is given to the religious and controversial public issues planks.

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Stations have been supplied with fifty copies of the Code; more upon request. When requested, Headquarters will send out a copy with a covering letter to local and regional advertisers not reached in the general mailing to agencies and national advertisers.

Members are requested to send out copies to all civic, educational, religious and club groups in their listening area. Copies of any pertinent comments or criticisms will be appreciated by Headquarters.

Special material, speeches, and question and answer dialogues on the Code are being prepared for the use of members.

FCC Interprets Broadcast Rule 3.90 (a) (2)

In view of inquiries respecting the meaning of Rule 3.90 (a) (2) of the Rules Governing Standard Broadcast Stations, which become generally effective August 1, an official interpretation by the FCC was requested July 21 (NAB Reports, July 21, p. 3609). The following letters were exchanged between the NAB and the FCC:

July 21, 1939

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

Please permit me to refer to rule numbered 3.90 (a) (2) of the Rules Governing Standard Broadcast Stations which were promulgated by the Commission June 23 and which become generally effective August 1, 1939. Some confusion has arisen with stations as to the information the Commission intends shall be shown on the station logs, particularly with respect to programs which are reproduced from transcriptions and phonograph records, and it will be greatly appreciated if the Commission will clarify the intent of the rule. Subsection (2) reads:

> "(2) An entry briefly describing each program broadcast, such as 'music,' 'drama,' 'speech,' etc., together with the name or title thereof, and the sponsor's name, with the time of the beginning and ending. If a mechanical record is used, the

entry shall show the exact nature thereof such as 'record,' 'transcription,' etc., together with the name or title of each, and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered."

The first sentence seems quite clear as applying to live talent broadcasts. To illustrate, the following would appear to be log entries which would meet the requirements of the rule: "9:00-10:00 P. M., Hit Parade, Sponsor Lucky Strike Cigarettes, Music," or "5:15-5:30 P. M., The Johnson Family, Sponsor Ramsdell Products, Drama," or "9:00-10:00 P. M., Good News of 1939, Sponsor Maxwell House Coffee, Music, Drama, Speech," or "5:00-5:15 P. M., John Smith, Democrat, Candidate for Sheriff, Speech."

The second sentence, applying to programs consisting of mechanical reproductions, is not so clear, but it would seem to intend the same type of information as is required of live talent broadcasts in addition to showing that the rendition is from a "transcription" or a "record." The words "together with the name or title of each" are subject to different interpretations depending upon the nature of the program. Where the entire program is prepared for a particular sponsor and transcribed, such as has been done in the case of the Studebaker and Chevrolet automobile companies, these words would seem to refer to the name by which that program is commonly known, such as "Studebaker Champions" or "Chevrolet Musical Moments." The proper log entry, therefore, would seem to be "5:00-5:15 P. M., Transcription, Studebaker Champions, Sponsor Studebaker Corp., Music," or, if drama also is included in the transcription, the designation would include this fact. Of course, the time at which it is announced the program is "transcribed" also must be included.

On the other hand, mechanically reproduced programs, such as the so-called "Musical Clock," which are made up either of musical selections from transcription libraries or from phonograph records, or a combination of both, interspersed with commercial announcements, present a situation in which the words "together with the name or title of each" may be construed as having an entirely different meaning, i.e., as requiring the inclusion in the log of the name of each musical selection used. However, it is assumed such an interpretation was not intended by the Commission, since there appears to be no greater reason for requiring the names of musical selections when performed from a recording than in the case of live talent broadcasts.

Am I correct, therefore, in believing that, as applied to such types of programs, the words "together with the name or title of each" likewise refer to the name of the program, such as "Musical Clock," and not to the name of each musical selection? Such an interpretation would keep the rule uniform in its application to all programs and would minimize the bulk of the log, particularly with small stations primarily dependent on recordings. With this interpretation, the following entry would seem to suffice: "8:00-9:00 A. M., Musical Clock, music-transcription, Commercial XYZ Co.; music-record, Commercial Richard Roe Co.," and so on throughout the period of the hour. Of course, the times when the program is announced as "recorded" should be designated.

In view of the fact that the rules go into effect August 1, it will be greatly appreciated if you will let me know whether the foregoing interpretations as illustrated meet the desires of the Commission, so that our members may be informed before the effective date of the rule.

With kindest personal regards, I am

Sincerely,

(Signed) Andrew W. Bennett, *Counsel.*

July 27, 1939.

Mr. Andrew W. Bennett, Counsel
National Association of Broadcasters
Normandy Building
Washington, D. C.

Dear Sir:

This will reply to your letter of July 21, 1937, in which you request an interpretation of Section 3.90(a)(2) of the Rules Governing Standard Broadcast Stations, which were promulgated by the Commission June 23, and which rule becomes effective August 1, 1939.

Your inquiry relates to the requirement of the rule that if a musical record is used, the log entry shall show the exact nature thereof, together with the name or title of the record or transcription, and you ask, first, where the entire program is prepared for a particular sponsor and transcribed, whether it will be sufficient to make a single entry covering the entire consecutive program, such as "5 to 5:15 P. M., Transcription, XYZ Musical Interlude, XYZ Corp., music." If accompanied with an indication of the time at which the announcement is made that the program is "transcribed," such an entry will be sufficient for the purposes of the rule.

Your remaining question has to do with the type of program in which individual records are played, interspersed with commercial announcements, and you ask whether an entry containing the name of the program and an indication of the commercial announcements made will be sufficient, without listing separately the titles of each one of the musical numbers played. You are informed that the Commission would not regard such an entry as in compliance with the rule, although it will permit such form of abbreviated entry from which the name of the particular record could be ascertained as broadcast stations may find it convenient to use. For example, it would be permissible to use a system of numbers corresponding to the names of the records, as long as it is possible to ascertain on inquiry the names of the records to which the key numbers refer. Also it would be permissible as an alternative to simply incorporate in the log by reference, with copy attached, any list of continuities prepared by the station in advance, containing the names of the records, to which could be added the appropriate time notation.

Very truly yours,

(Signed) John B. Reynolds, *Acting Secretary.*

It will be noted in connection with programs consisting of phonograph records and selections from transcription libraries, that the Commission states the requirement that the log contain "the name or title of each" will be met if the station's recorded library (record or transcription) file number is shown on the log so that the full title of the selection performed may be obtained by reference to the library file. In cases where the program has been prepared in advance and the names of the selections to be performed are contained in the list of continuities, the requirement may be met by referring to the list and attaching a copy thereof to the log. Appropriate time notations must be shown. In all other respects, the interpretations as submitted by the NAB were approved.

FREE OFFERS

The American Bantam Car Company of Butler, Pennsylvania, is offering radio stations a $100 credit toward the purchase of a 1939 de luxe Bantam car or truck in exchange for $100 worth of time on the stations. The credit is transferable.

Further "inducement" is made "if you can also get us a dealer in your territory, he will be given $5 in advertising for every car he takes. Your station will, of course, receive preference."

Headquarters is writing the company that such a proposition constitutes a violation of NAB member stations' business practice, and is informing them that stations will be glad to send in their rate cards and discuss program ideas which can accomplish their purpose.

NEWS SURVEY IN FORTUNE

The August 1939 issue of Fortune Magazine carries an article titled, "The Press and the People—A Survey."

The article undertakes a discussion of the historic background of the Press of the United States and reports the results of a survey of public opinion concerning news, conducted by Elmo Roper, who conducts the regular Fortune Survey.

The prominence of radio in the dissemination of news is discussed in the survey findings.

COMMISSIONER BROWN TO SPEAK

Commissioner Thad H. Brown will address the Summer School of Arts and Sciences and of Education, of Harvard University, Cambridge, Massachusetts, on August 4, 1939. Colonel Brown's speech will be delivered at the Harvard Faculty Club as a part of the concluding session of the Summer School.

NEW LEGISLATION

CONGRESS

S. 2846 (Sen. Wheeler, D. Mont.) COPYRIGHT—Provides that in network and transcription broadcasts, originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents.

STATE LEGISLATION

ALABAMA:

S. 264 (DeVane) RADIOS—To prohibit use for commercial purposes of radios equipped for receiving private official police calls, information or reports sent out by short wave from within this state. Referred to Education Committee.

MASSACHUSETTS:

H. Order (Mackay) RADIO—SLANDER—Requesting the Judicial Council to investigate the subject-matter of Current House document 2402, relative to slander by radio. Referred to Rules Committee.

Significant Remarks of Stahlman, Hays, Miller

On July 12, while the NAB Convention banquet was in session, the appointed leaders of the press, the motion pictures and the radio spoke from the same rostrum in a significant three-way address to the American people, for the first time in radio history.

Mr. Will Hays, president of the Motion Picture Producers and Distributors of America, Inc., spoke from Hollywood; Mr. James G. Stahlman, who has just retired as president of the American Newspaper Publishers Association, spoke from London; and Mr. Miller, who introduced them both, spoke of course from Atlantic City.

Mr. Miller stated: "The cornerstone of each industry—the press, the motion picture and the radio—is based on the constitutional guarantee of freedom of speech and freedom of the press."

Full permission is granted by Mr. Hays and Mr. Stahlman, and of course by Mr. Miller, for any use members care to make of the remarks below.

Following are the texts of the three speakers:

MR. MILLER:

(From Atlantic City)

I am delighted to bring greetings from the National Association of Broadcasters assembled in their seventeenth annual convention. We have considered many problems but the one thing we have done in which you will have the greatest personal interest is the adoption of a new code of program standards. This code will enable us to deliver to you an improved quality of broadcast service. At the same time it is a pledge of fair treatment to all. It is, in short, radio's doctrine of fair play.

Like the press and the motion picture screen, American radio is a mirror reflecting our American way of life. We are free to bring you what you want to read and to see and to hear. In America we are not forced to bring you what somebody else thinks you ought to read or to see or to hear.

We think you will be interested to know how we go about discharging these great responsibilities. We are happy, therefore, to bring you tonight the best qualified man in America to tell us of the democratic and social principles back of the motion picture screen, truly a gigantic mirror bringing so much enjoyment and so much individual enrichment to the American people: Mr. Will Hays, president of the Motion Picture Producers and Distributors of America. I take great pleasure now in presenting Mr. Hays, who will speak to you from Hollywood.

MR. HAYS:

(From Hollywood)

In his remarks, which follow in part, Mr. Hays praised the press and the radio as defenders of freedom and liberty:

The screen owes much indeed to the country of its birth and development. It is distinctively the product of the American spirit—vision, initiative, enterprise and progress. It was born in poverty, in doubt, in the courage of men. No fairy godmother of finance attended its birth. Unlike most of the arts it was not reared in patrician surroundings. It has no vested rights. It must conform to public demands, public taste, and the public's sense of decency and goodness in entertainment. It is a true child of democracy.

Today, in full vigor it recognizes its privileges and opportunities and realizes and acknowledges its responsibilities. Opportunity measures responsibility. Our association, the Motion Picture Producers and Distributors of America, came into being as an outward expression of the industry's public responsibility.

Liberty Essential

The one most necessary factor in the formula for the solution of all our problems is liberty. Destroy freedom and you destroy the possibility for men to help themselves. As long as we have our freedom we will have in our hands the opportunity, and we have the ability to solve every problem that may face us as a nation.

The only thing we have to fear as a people is the deprivation or curtailment of that liberty: freedom of thought, word, and action.

This is the liberty which self-regulation has brought to the screen and this is the right which we propose to protect. This purpose, however, is predicated first on the acknowledgement that with every right there is a corresponding duty. We do well to remember when we insist on the privilege that we are entitled to it only if we recognize and discharge the duties and responsibilities which the rights and opportunities entail.

It is indeed vastly important, if we are surely to preserve the liberties of the republic that the freedom of these instrumentalities be maintained. The immeasurable importance of this eventuality determines exactly the necessity of care on the part of those who happen to be the administrators of the use of the rights, upon their constant realization that liberty is not license. The custodians of this freedom of the screen, the press, and the radio are responsible to these media and to the great public they serve so to use the media that their freedom will be maintained.

The motion picture art-industry for its own welfare and for the maximum service it can thereby render, well intends to make its performances square with its privileges.

Nothing could be more significant of the liberty we possess in America than this occasion. These three great media of public thought and opinion, all of them the free agents of a free people, are meeting tonight in a common cause.

The very fact of their common purposes as here expressed demonstrates the principle of their existence: that liberty is not immunity, but that it is responsibility and accountability, that liberty not alone commands respect; it also demands self-respect.

For the press, liberty has ever been an obligation of honor, and truth, and courage. A free press has been always the fearless champion of liberty, the alert sentinel of the people's independence. It has maintained its place by its intelligence, by its determined courage, by its patriotism—and likewise by its self-control and its ever-present sense of responsibility.

The press, the radio, and the motion pictures have aptly been described as the "three mirrors" of the people. It is true that each reflects the ideals, the inspiration, the aspiration, the hopes, and the art and culture of the people.

Too, each reflects a composite, definite distillation of the character and the intelligence of our civilization.

To the radio—the miracle of yesterday, the delightful companion, the discriminating informant and the charming entertainer of today —we pay our sincere respects. This mighty force in America has been employed magnificently for good under the leadership which has developed it during the amazingly short time of its existence. The radio has shown its determination and its distinguished ability to progressively make itself an agency of good will, of entertainment, and of general public welfare.

MR. MILLER:

Thank you, Mr. Hays.

I certainly believe that the world-wide acceptance of the American motion picture is not only a tribute to the creative genius which produces them, but is also a tribute to our American democracy. Here talent and genius are encouraged and are not frustrated or perverted to serve the self-interest of those who would wipe out democratic principles and use every means of communication to suppress human liberties for their own selfish ends.

Making History

I am told that we are making radio history tonight. This is the first time that the radio and the motion picture and now the press have addressed you from the same radio rostrum. It is peculiarly fitting that this newest medium of communication is the medium through which this significant program is taking place. We have heard from Mr. Hays from Hollywood and now we are about to hop across the Atlantic Ocean to London, where we will hear from Mr. James G. Stahlman, publisher of *The Nashville Banner*, who has just retired as president of the American Newspaper Publishers Association. It is significant, I believe, because it marks the first time that the appointed leaders in these three fields step before you on common ground.

Mutual Foundation

The cornerstone of each industry—the press, the motion picture and the radio—is based on the constitutional guarantee of freedom of speech and freedom of press. We have but to look abroad to see what happens in the destruction of human liberties when these guarantees are taken away.

Just a few days ago, Mr. Stahlman flew to Europe on the new Clipper plane with a group of distinguished newspapermen. He has had an opportunity to learn first-hand of the condition of human liberties in the troubled countries abroad. It is a great privilege, therefore, for me to introduce to you now, Mr. James G. Stahlman, who will speak to you from London.

MR. STAHLMAN:

(From London)

Mr. Miller, Mr. Hays, members of the National Association of Broadcasters: Since "Clippering" the North Atlantic last Sunday it has been my very unusual privilege to have seen and heard many things, the full significance of which you on the other side of the water, by reason of your removal from the scene and your customary American sense of security, would regard, as I now do, with some degree of concern.

I have seen the base of the Nelson Monument plastered with posters reading, "Enroll Now." "Be Prepared." "Join Today." I have seen anti-aircraft searchlights dotting open spaces ready for duty. I have seen bomb-proof shelters being built in London's lovely parks. I have heard the roar of military planes over Britain and France in preparedness maneuvers. I have talked with men in high station, with taxi drivers, merchants, bell boys. I have sensed through it all the dogged determination of both the British and the French to preserve at whatever cost, man's most precious heritage —freedom—which only men of a democracy can appreciate and enjoy.

Freedom from what? Freedom from mental and spiritual slavery, freedom from physical imprisonment, freedom from oppression of any and every kind.

And what is all this about? It is because ideologies at variance with the concept of free constitutional government are being impressed upon helpless peoples and the rights of free men the world over are being ignored and curtailed.

With this side of the world gone haywire, you of the radio, you of the screen, and we of the press, have no higher obligation to the American people than to courageously expose and firmly oppose every effort from within or from without to encroach upon man's right to think, to speak, to worship as he pleases.

Those rights embraced in the First Amendment to the Federal Constitution were put there by men who knew the price of liberty. If they are to be preserved, the radio, the press, the screen, and every agency of mass communication must be unhampered in their ability to present the truth—the truth that makes and keeps men free. Men at times have tried to hide it; others have denied it to their fellows, and wherever such has even been temporarily successful, liberty has perished and democracy has vanished. That is at the bottom of this clash between ideologies on this side of the water.

Access to Truth

I am not worried about dictators in America so long as the people have access to the truth. Remember this, gentlemen of the radio, there is not one single law on the statute books, nor can one be enacted so long as the Constitution is the fundamental law of the land, that restricts factual expression over the radio; there must be none. Yours is the obligation to see that that can't happen there.

The press has fought for and won its freedom; it will continue to defend it. Radio must do the same. Jeopardy to one is jeopardy to the other. There must be no abridgements of the rights of the American people through encroachments upon either of our respective media of mass expression. Ours is the obligation to them, not to ourselves. So long as we respect that obligation from those from whom, after all, we derive all our rights and privileges, we need not fear restriction or censorship.

Fail to observe it, and we shall deserve to lose the thing most essential for the preservation of our democracy. That is no slight task to be regarded lightly; it is as sacred a privilege, as ever could be conferred upon you and me. It isn't simply American in its connotation; it is international.

Democracy has her back to the wall on this side of the Atlantic. The preservation of it on our own side will make certain its future over here. That is the job for radio, the press, the screen. Democracy can exist only where men have unrestricted access to the truth. I call you of the radio to that solemn task with the assurance that in the American press you have a friend and ally who knows the cost of liberty and who is willing to sacrifice to the utmost in order that it shall not perish from the earth.

Good night, gentlemen.

MR. MILLER:

Thank you, Mr. Stahlman. Your first-hand account was indeed stimulating and of great interest, particularly at a time such as this when the National Association of Broadcasters has had occasion to make a serious examination of our democratic principles from which we have been able, we believe, to build a new code which will forever insure a democratic system of American radio in service not to one man or to one group, but in service to all of the people of America.

Service to Nation

American broadcasting has completed another year of brilliant accomplishment and of striking public service. No other broadcasting service in the world even approached its record. We know this is because of those social and economic differences which distinguish the American system from that of all others. Through the American system we have been able to lavish millions of dollars on entertainment and talent for the enjoyment of the American people. We have contributed substantially to their educational, religious and cultural enrichment. And at not one cent of program cost to the listener.

More than this, we have been free to keep our countrymen informed as to what was going on in this country and in other countries. The contributions made by American broadcasters during this war-torn year, especially during the Munich crisis and during the current situation, demonstrate the blessings of our radio democracy and give promise that through such a system of radio as the American system, the peoples of the world may some day be encircled by the bonds of brotherhood and not forever enslaved in the shackles of hate.

There is more to the record of radio in the past year. Again American radio lent its great voice in the saving of human life and in the alleviation of human suffering. Especially was this true during the New England disaster when our New England stations dropped schedules and threw commercial considerations overboard to save lives, to rescue women and children from the ravages of a cruel disaster. Let it be said that our American stations were "not called upon to serve"; they were already there, ready to serve, before any one needed to "call" them.

This is in the American radio tradition.

This is the way it will always be.

This is our promise.

Thank you and good night.

BROOKLYN CASES ASSIGNED FOR REARGUMENT

The Federal Communications Commission has designated for reargument the so-called Brooklyn cases. In this connection on Thursday the Commission issued the following order:

"Upon its own motion in consideration of the above applications it is ordered this 27th day of July, 1939, that said applications be, and the same hereby are set for reargument before the Commission on October 19, 1939, at 10 a. m."

The Brooklyn cases include the Voice of Brooklyn, WLTH; United States Broadcasting Corporation, WARD; Brooklyn Broadcasting Corporation, WBBC. The case involves the modification of license in so far only as the applicant requests the facilities of WARD and WLTH.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission in a Proposed Findings of Fact proposed to deny the application of the Yuba-Sutter Broadcasters for authority to construct a new station at **Marysville, California,** to use **1320 kilocycles,** 250 watts, unlimited time, using a directional antenna after local sunset.

In another Proposed Findings of Fact, the Commission proposes to grant the application of KRSC, **Seattle, Washington,** to make changes in its transmitting equipment, to move the transmitter site and increase the power of the station from 250 watts to 1000 watts, operating on **1120 kilocycles,** unlimited time.

The Commission also proposes to grant in a Proposed Findings of Fact the application of Vincennes Newspapers, Inc., to construct a new station at **Vincennes, Indiana,** to operate on **1420 kilocycles,** 100 watts, unlimited time.

The Commission proposes to deny in another Proposed Findings of Fact the application of the Thumb Broadcasting Company to erect a new station at **Brown City, Michigan,** to operate on **880 kilocycles,** 1000 watts, with hours of operation limited to daytime only.

The Commission also proposes in a Proposed Findings of Fact to grant the application of the Niagara Falls Gazette Publishing Company for the erection of a new station at **Niagara Falls, N. Y.,** to operate on **1260 kilocycles,** 1000 watts, daytime only.

DECISIONS OF COMMISSION

The Federal Communications Commission in a decision granted the application of M. L. Medley for the erection of a new station at **Cookeville, Tennessee,** to operate on **1370 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The application of Broadcasting Station KMJ, **Fresno, California,** to permit it to install new equipment, move transmitter locally, and to increase its daytime power from 1,000 to 5,000 watts on **580 kilocycles,** was granted by the Commission.

The Commission also granted the application of WOLS of **Florence, South Carolina,** to change its hours of operation from daytime to unlimited time, with 100 watts day and night on **1200 kilocycles,** and renewed the license of the station; but denied the application of Pee Dee Broadcasting Company for a construction permit to use **1200 kilocycles,** 100 watts night, 250 watts day, unlimited time.

The application of the Mutual Broadcasting System, Inc., **Chicago,** for authority to transmit programs to broadcast stations in Canada was granted by the Commission.

The Commission granted the application of KTEM, **Temple, Texas,** to change its assignment from operating daytime only on **1370 kilocycles** with 250 watts, to unlimited hours of operation on the same frequency using 100 watts night and 250 watts day.

The application of WFBG, **Altoona, Pennsylvania,** to change its license from sharing time with WJAC, **Johnstown, Pennsylvania,** to unlimited time, operating on **1310 kilocycles,** with 100 watts, was granted by the Commission contingent upon the installation of an antenna in compliance with Rule 131.

The Commission, in a decision, denied the application of WGTM, **Wilson, North Carolina,** to make changes in composite transmitting equipment and the antenna system, and operation with 500 watts power on **1240 kilocycles,** daytime in lieu of operation with 100 watts on **1310 kilocycles,** daytime only.

The Commission granted the application of John R. Pepper to construct a new station at **Greenville, Mississippi,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The application of the Liberty Broadcasting Company for assignment of the license of Station WAGA, **Atlanta, Georgia,** to the Liberty Broadcasting Corporation has been granted by the Commission. The station operates on **1450 kilocycles,** 500 watts night, 1000 watts LS, unlimited time.

In a decision the Commission granted the application of the Pontiac Broadcasting Company for a construction permit for a new station at **Pontiac, Michigan,** to operate on **1100 kilocycles,** 1000 watts, daytime only. In the same decision, the Commission designated for a further hearing the application of King-Trendle Broadcasting Corporation for a construction permit for a new station also at Pontiac to operate on **1440 kilocycles,** 250 watts, unlimited time.

In this same decision, the Commission dismissed with prejudice the application of George B. Storer for a construction permit for a station at the same city to use **600 kilocycles,** 250 watts, unlimited time.

The Commission granted the application of Corn Belt Publishers, Inc., transferor, for consent to transfer control of Drovers Journal Publishing Company, licensee of Radio Station WAAF, **Chicago,** to Ralph W. Dawson, et al, transferees. The station operates on **920 kilocycles,** 1000 watts, daytime.

The Commission, in a decision, granted the application for consent to transfer the control of the Commodore Broadcasting Company, Inc., licensee of WJBL, **Decatur, Illinois,** to Decatur Newspapers, Inc. The station operates on **1200 kilocycles,** 100 watts, sharing time with WJBC.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings are scheduled to be held at the Commission during the week beginning, Monday, July 31.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

September 25

NEW—Union Broadcasting Co., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.,** 500 watts, Emission A-3, unlimited, according to Rule 983(a).

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

Hearing Before Commissioner Case

Broadcast

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.,** 100 watts, specified hours.

November 6

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license, **1280 kc.,** 500 watts, 1 KW LS, shares time with WCAM and WCAP. Present assignment: **1280 kc.,** 500 watts, shares time with WCAM and WCAP.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KHUB—John P. Scripps, Watsonville, Calif.—Granted modification of license to increase power and time of operation from 250 watts, daytime only, to 100 watts night, 250 watts day, unlimited time.

Columbia Broadcasting System, Inc., New York City.—Granted extension of authority to transmit programs to CFRB and CKAC and other stations under control of Canadian Broadcasting Corp.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator, and increase power from 100 watts to 250 watts.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted C. P. to install new equipment and increase day power from 250 watts to 1 KW.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted modification of license to omit use of time from 8 to 9 p. m. on Mondays.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted modification of license to increase time of operation from unlimited except 8 to 9 p. m. Mondays, to full unlimited time.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority to operate simultaneously with station KRLD on **1040 kc.,** with 50 KW, for the period August 1, 1939, to February 1, 1940.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special experimental authority to operate simultaneously with station WTIC on **1040 kc.**, with 50 KW, for the period August 1, 1939, to February 1, 1940.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted extension of special experimental authority to operate on frequency **1140 kc.**, with 25 KW, unlimited time, using DA for nighttime operation, for the period ending February 1, 1940.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted modification of special experimental authority to increase power from 10 KW to 50 KW, simultaneous operation with WTIC, employing DA for day and night operation. Also granted authority to determine operating power by direct measurement of antenna input in compliance with Rule 137.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted license to cover C. P. authorizing local move of transmitter site, installation of new equipment and DA for day and nighttime operation, increase in power from 10 to 50 KW, and extension of completion date.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted modification of license to change time of operation from simultaneous day, shares WILM night, to unlimited.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted modification of license to increase time of operation from simultaneous day, shares night with WAZL, to unlimited.

WBTH—George W. Taylor, Williamson, W. Va.—Granted consent to the transfer of control of Williamson Broadcasting Corp., licensee of WBTH, to W. P. Booker. Station operates on **1370 kc.**, 100 watts, daytime.

WALR—Donald B. Woodyard, Zanesville, Ohio.—Granted consent to transfer control of WALR Broadcasting Corp., licensee of WALR, to West Virginia Broadcasting Corp. Station operates on **1210 kc.**, 100 watts, unlimited time.

KOME—Harry Schwartz, Tulsa, Okla.—Granted voluntary assignment of license of station KOME from Harry Schwartz to Capitol Sales Corp. Station operates on **1310 kc.**, 250 watts, daytime.

WESG—Cornell University, Elmira, N. Y.—Granted extension of special experimental authority to operate on **850 kc.**, with 1 KW, from daylight to sunset at New Orleans, for the period ending February 1, 1940.

WBIL—Ared Bulova, New York City.—Granted renewal of license for the period ending February 1, 1940.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted modification of license to increase time of operation from daytime only to unlimited.

KIEV—Cannon System, Ltd., Glendale, Calif.—Granted renewal of license on a temporary basis only for a period of 90 days (Commissioner Craven voting "No"). The Commission will inquire into differences between promised program service and the service rendered.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940.

NEW—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted license for new facsimile broadcast station on an experimental basis only, frequency **25250 kc.**, 1 KW.

WDEV—Radio Station WDEV, Waterbury, Vt.—Granted modification of license to increase day power from 500 watts to 1 KW.

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs to CMX, Havana, Cuba, via RCA Communications, Inc., originating in NBC's New York studios, or any points in the U. S. where networks programs may originate, to CMX, Havana, Cuba.

NEW—A. H. Belo Corp., Dallas, Tex.—Granted license for new facsimile broadcast station on an experimental basis, to use frequency **25250 kc.**, 1 KW.

KEUB—Sam G. Weiss, Price, Utah.—Granted authority to transfer control of Eastern Utah Broadcasting Co. (licensee of KEUB) to Jack Richards and A. W. McKinnon, 5542 shares of the issued and outstanding common stock of licensee corporation, for a consideration of $6,500.

KTAT—Raymond E. Buck, Fort Worth, Tex.—Granted authority to transfer all of the outstanding common stock of the Tarrant Broadcasting Company, licensee of station KTAT, to Ruth G. Roosevelt (contingent upon the surrender of license for station KFJZ, Fort Worth, Tex.), for a consideration of $101,570.76 cash.

KROW—H. P. Drey, S. L. Brevitt, R. E. Morgan, Chas. Martin, C. V. Knemeyer, acting on their behalf and as representatives of owners of 95 per cent of stock of Educational Broadcasting Corp., Oakland, Calif.—Granted authority to transfer control of corporation from Drey, Brevitt, etc., to W. I. Dummn, Philip G. Lasky, Fred J. Hart and Wallace F. Elliott. Station operates on **930 kc.**, 1 KW, unlimited time.

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College, Birmingham, Ala.—Granted extension of special authorization to operate unlimited time on **1140 kc.**, with 5 KW, with DA system after sunset at Tulsa, Okla., for the period ending February 1, 1940.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority to operate on **1100 kc.**, 50 KW power, unlimited time, employing DA system for nighttime operation, for the period ending February 1, 1940.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special authorization to operate simultaneously with station KTHS on **1060 kc.**, with 10 KW power, from 6 a. m. to local sunset at Hot Springs, Ark., and from local sunset at Hot Springs, to 9 p. m., EST; and to operate synchronously with station WJZ on **760 kc.**, with 2½ KW, employing DA from 9 p. m., EST, for the period ending February 1, 1940.

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted extension of special experimental authority to operate on frequency **1060 kc.**, with 10 KW power, simultaneously with WBAL, Baltimore, from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited from 8 p. m. to midnight, for the period ending February 1, 1940.

DESIGNATED FOR REHEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WSBT—The South Bend Tribune, South Bend, Ind.—Application for C. P., already in hearing docket, amended so as to request authority to move transmitter site locally; install new equipment and directional antenna system for day and nighttime operation; change frequency from **1360 kc.** to **930 kc.**, and time of operation from S-WGES to unlimited time.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KEX, Portland, Ore.; KFAB, Lincoln, Nebr.; KFI and auxiliary, Los Angeles; KFVD, Los Angeles; KGU, Honolulu, T. H.; KIRO, Seattle; KMOX, St. Louis; KMPC, Beverly Hills, Calif.; KOA, Denver, Colo.; KOAM, Pittsburgh, Kans.; KOB, Albuquerque, N. Mex.; KOWH, Omaha, Nebr.; KPO, San Francisco; KYOS, Merced, Calif.; WBBM and auxiliary, Chicago; WBT, Charlotte, N. C.; WCAU and auxiliary, Philadelphia; WCFL and auxiliary, Chicago; WGY and auxiliary, Schenectady, N. Y.; WHAS, Louisville; WOV, New York City; WPG, Atlantic City, N. J.; WCAZ, Carthage, Ill.; WRVA, Richmond, Va.; WRUF, Gainesville, Fla.; WSAZ, Huntington, W. Va.

The following stations were granted renewal of licenses for the period ending January 1, 1940:

KAWM, Gallup, N. Mex.; KGIW, Alamosa, Colo.; KNET, Palestine, Tex.; KRMC, Jamestown, N. Dak.; KSAL, Salina, Kans.; KYSM, Mankato, Minn.; WGIL, Galesburg, Ill.; WKAT, Miami Beach, Fla.; WMFJ, Daytona Beach, Fla.; WMFO, Decatur, Ala.; WNOE, New Orleans, La.

WESG—Cornell University, Elmira, N. Y.—Granted renewal of license on a temporary basis only, subject to such action as the Commission may take on pending application for renewal.

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Granted renewal of license on a temporary basis only, subject to such action as the Commission may take on pending application for renewal.

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Granted renewal of license on a temporary basis only for the period ending February 1, 1940, subject to the right of the Commission to make effective any changes or modifications herein which may be necessary in order to comply with any decision of the Commission which may be entered after hearing in any proceeding of which licensee was duly notified or in which licensee participated.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted renewal of license on a temporary basis only for the period ending February 1, 1940, upon the express condition that it is subject to whatever action may be taken upon pending applications for renewal of license, and upon the application of WHA for the facilities of WMAQ.

KVGB—Helen Twonsley, Great Bend, Kans.—Present license extended on a temporary basis only, for the period August 1 to September 1, 1939, pending determination upon the application for renewal of license.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license extended on a temporary basis only, for the period August 1 to September 1, 1939, pending determination upon the application for renewal of license.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Present license extended on a temporary basis only, for the period August 1 to September 1, 1939, pending determination upon the application for renewal of license.

KTRB—Thos. R. McTammany and William H. Bates, Jr., Modesto, Calif.—Present license extended on a temporary basis only, for the period August 1 to September 1, 1939, pending determination upon the application for renewal of license.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Present license extended upon a temporary basis only, pending determination upon renewal application, for the period August 1 to September 1, 1939.

WKAR—Mich. State College, E. Lansing, Mich.—Present license extended upon a temporary basis only, pending determination upon renewal application, for the period August 1 to September 1, 1939.

WSPR—WSPR, Inc., Springfield, Mass.—Present license extended upon a temporary basis only, pending determination upon renewal application, for the period August 1 to September 1, 1939.

W8XWJ—The Eve. News Assn., Detroit, Mich.—Present license for high frequency broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than September 1, 1939.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Present license for high frequency broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than September 1, 1939.

WAXG—Fla. Capitol Broadcasters, Inc., Portable-Mobile (Area of Tallahassee, Fla.)—Present license for relay broadcast station was further extended upon a temporary basis only, pending determination upon application for renewal, but in no event longer than September 1, 1939.

MISCELLANEOUS

NEW—John F. Arrington, Jr., Valdosta, Ga.—Denied motion to withdraw without prejudice application for new station to use **1230 kc.**, 250 watts day and night, unlimited time; and dismissed application with prejudice.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted motion for continuance of hearing now scheduled for September 6; new date to be fixed by the Office of the Secretary; motion denied in so far as consolidation with other applications is requested.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted motion to dismiss without prejudice, application for modification of license to change frequency power and time of operation.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted motion to take depositions on September 7, 1939, at Worcester, Mass.; hearing before examiner to be held open.

KECA—Earle C. Anthony, Los Angeles, Cal.—Referred to Commission en banc motion to withdraw or dismiss application for C. P. to move KECA to San Diego, Cal., and assign license to Worcester Broadcasting Corp.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted petition to intervene in the hearing on the application of Portorican American Broadcasting Co., Inc., for a new station in Ponce.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Action continued for one week on petition to (a) intervene in the hearing on the application of the Gazette Co. for C. P., and (b) that the issues to be determined upon hearing be enlarged.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate station on **930 kc.**, with 500 watts, daytime only, at Benham Road & Paradise Ave., Hamden, Conn., for the period July 23, and until such time as the proof of performance of the directional system is submitted and approved by the engineering department, but ending in no event later than August 21, in accordance with application to operate with either directional or non-directional antenna during same period in order to make comparisons and expedite field intensity survey.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted special temporary authority to operate a portable test transmitter of 100-watts power on **1510 kc.**, during hours from one hour after local sunrise to one hour before local sunset, for the period July 25 to August 23, in order to conduct field intensity measurements to be made to assist in locating new transmitter site for WBRY.

WSUI—State Univ. of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited time to minimum of 8 hours daily, for the period August 1 to September 1, in order to observe summer vacation.

RCA—Mfg. Co., Inc., New York City.—Granted special temporary authority to operate general experimental station W3XDS, using frequency **950 kc.**, with power of 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during hours 2 to 7 a. m., DST, on Sundays; midnight to 5 a. m., DST, on Mondays; and 1 to 5 a. m., DST, from Tuesday through Saturday, for a period not to exceed 30 days.

WQDM—Regan & Bostwick, St. Albans, Vt.—Denied special temporary authority to operate from 8 to 8:30 p. m., EST, for the period August 1 to August 30, in order to broadcast local baseball games and scores.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied special temporary authority to operate unlimited time, 1 KW power, nighttime, for the period July 25 to August 23, in order to broadcast civic, charitable and other programs of extreme local interest from CBS.

CKLW—Esses Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up Unitarian Fellowship for Social Justice programs from 9 to 9:30 p. m., EST, on July 24 and 31.

Out West Broadcasting Co., Colorado Springs, Colo.—Granted special temporary authority to use relay broadcast station KAAO, licensed to KLZ Broadcasting Co., for special golf broadcast originating at the Broadmoor Golf Club, during daytime on July 22 and 23, to be broadcast over KVOR.

WPG—City of Atlantic City, Atlantic City, N. J.—Denied special temporary authority to operate Fridays from 2 p. m. to 3 p. m., EST, on July 21, 28, August 4, 11, and 18, 1939, and from 3:15 p. m. to 4:30 p. m. on Sundays, July 23, 30, August 6, 13, 20, 1939, in order to broadcast programs as described in letter dated July 19, 1939.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to rebroadcast two-way communication between ground station at Chanute Field, Rantoul, Ill., and Army airplane, in connection with War Department expansion program, for period of 30 days, communication to be carried on **7385 kc.**

WQDM—Regan & Bostwick, St. Albans, Vt.—Reconsidered action of July 21 in denying request to operate from 8 to 8:30 p. m. from August 1 to 30, inclusive, to broadcast baseball games, and granted same for EDST as requested.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted extension of special temporary authority to operate unlimited time for the period July 21 to August 29, 1939 (provided WSVS remains silent), in order to broadcast programs as described in letter dated July 18, 1939.

WJHS—John H. Snyder, Baltimore, Md.—Granted extension of special temporary authority to operate licensed aircraft radio transmitter aboard plane NX-21054, call letters KHCTV, as a relay broadcast station on the frequency **2790 kc.**, to relay broadcast program in connection with endurance flight, for the period July 23 to August 15, 1939, to be rebroadcast over station WBAL.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast (experimental) stations W8XIQ and W8XIR on the frequency **31220 kc.**, pending definite arrangements to be made to eliminate interference with Cleveland's police radio service, for the period July 28 to 3 a. m., EST, August 1, 1939.

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Dismissed from the hearing docket the application of WHKC for renewal of license, and granted same on a regular basis.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Denied petition to reconsider action of June 30 in granting the application of Ozarks Broadcasting Co. (KWTO), Springfield, Mo., for modification of license to increase operating time from 5 to 6 a. m., CST, on the frequency **560 kc.**, using 1 KW, and designate same for hearing.

WRTD—Times Dispatch Radio Corp., Richmond, Va.—Denied petition to rescind the announcement of the Commission that the WRTD application would be made the subject of a further hearing "on issues related to the interference problem created by pending 5-KW applications," and to consider the application upon the present record.

W9XBF—WDAY, Inc., area of Fargo, N. Dak., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station upon an experimental basis only, conditionally; frequencies **30820, 33740, 35820, 37980 kc.**, 25 watts.

KDAC—George Harm, area of Fresno, Calif., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 25 watts.

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Denied petition that station be authorized to use one of the following forms for station identification announcements: "This is WEBC—Duluth and Superior," or "This is WEBC with studios in Duluth and Superior."

WLTH—Voice of Brooklyn, Inc., New York City.—Adopted an order citing the licensee (WLTH) to appear and show cause why its license should not be revoked by the Commission, because of complaint of interference with Coast Guard aircraft communications on the frequency **4200 kc.**, by the third harmonic of broadcast station WLTH, which frequency is used by the U. S. Coast Guard station at Floyd Bennet Field, and the various U. S. Coast Guard planes. It appears that such interference has been noted at various times over a period of more than one year; that licensee has been advised concerning said interference on numerous occasions with a promise on the part of licensee to make necessary changes in equipment to eliminate said interference, but the necessary steps to eliminate such interference have not been taken.

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted petition to reconsider and grant without a hearing application for C. P. for new station to operate on frequency **1310 kc.**, 100 watts night, 250 watts LS, unlimited time. Denied petition of KTHS to intervene.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted petition to reconsider and grant without a hearing the application for renewal of license for high frequency broadcast station W3XIR.

WESG—Cornell University, Elmira, N. Y.—Granted petition to reconsider and grant without a hearing the application for modification of license that the authority to operate on frequency **850 kc.**, with 1 KW, from 6 a. m. to LS, New Orleans, be authorized on a regular basis instead of special experimental basis.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied petition to reconsider and grant without a hearing the application for modification of license requesting authority to increase hours of operation from limited to unlimited time on the frequency **1180 kc.**, with power of 1 KW night, 5 KW day.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted license to cover C. P. for facsimile broadcast station upon an experimental basis only, conditionally; frequency **25200 kc.**, 100 watt..

WALR—WALR Broadcasting Co., Zanesville, Ohio.—Granted C. P. for approval of transmitter site at Newark Road, Zanesville, Ohio, and installation of vertical radiator, providing tower is marked according to specification.

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Granted modification of C. P. to make changes in composite equipment and approval of transmitter and studio sites, provided tower is marked according to specifications.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period July 23 to August 21, pending KWLC's compliance with Rule 131.

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast program to be received from international station W3XAU at 2:30 p. m. July 25, in connection with Puerto Rico's Occupation day at World's Fair.

KGKL, Inc., San Angelo, Tex.—Granted special temporary authority to operate a mobile relay broadcast transmitter on frequency **2102 kc.**, from 1 to 5 p. m. CST, on August 4, 5, and 6, in order to relay broadcast programs from Annual Roundup and Rodeo of the Double Hart Ranch.

WAUP—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate high frequency broadcast experiment station W1XER as a relay broadcast station in order to pick up and relay program in which Lawson Little will be interviewed from Mt. Washington and to be broadcast over the Yankee Network; station to operate on **31600, 35600, 38600** and **41000 kc.**, 500 watts.

KVAK—Carl Latenser, Atchison, Kans.—Granted modification of C. P. to extend completion date from 7-28-39 to 9-28-39.

WSNJ—Eastern States Broadcasting Corp., Bridgeton, N. J.—Granted license to cover C. P. authorizing changes in equipment and increase in power and time of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.; WBOW—Banks of Wabash, Inc., Terre Haute, Ind.; WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—The Commission modified its order of June 21, 1939, in the matter of the applications of WJBL, WBOW and WJBC, so that paragraph number three thereof shall read as follows: "That the application of Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Docket 5329, be granted subject to the express condition that Station WJBL be licensed to operate upon the frequency of **1310 kc.**, upon completion of construction as authorized in Docket 5207, and the effective date of the modified license authorized hereunder to Station WJBC, if and when issued, shall be the same date upon which Station WJBL is licensed to operate on **1310 kc.**"

NEW—Worcester Broadcasting Corp., San Diego, Cal.—Granted permission to file its application for a new station to operate on the frequency **1430 kc.**, 1 KW night, 5 KW day, and incorporate the record in Dockets 5381 and 5378, in re application of Earle C. Anthony, Inc., to assign license of KECA to Worcester Broadcasting Corp.

American Communications Assn., New York City.—Dismissed petition for leave to intervene and for rehearing on behalf of the American Comm. Assn., in re application of Hearst Radio, Inc., for voluntary assignment of license of KEHE to Earle C. Anthony, Inc.

KECA—Earle C. Anthony, Inc., Los Angeles, Cal.—Dismissed with prejudice the application of Earle C. Anthony, Inc., to assign license of KECA to Worcester Broadcasting Corp., and for C. P. for a station in San Diego.

American Communications Assn., New York City.—Dismissed petition to intervene and appear at oral argument in the matter of the application of Earle C. Anthony, Inc., for voluntary assignment of license of KECA, and for C. P. for a station in San Diego.

W2XWC—Kolorama Laboratories, Inc., Irvington, N. J.—Granted extension of special temporary authority to operate a composite television transmitter to be located in Carlstadt, N. J., for radio television transmission in the **2000-21000 kc.** band, for operation between the hours of 12 midnight and 6 a. m., on a non-interference basis, with power of 500 watts, for test and experimental purposes only, for the period August 6 to September 4, 1939.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7 to 10 p. m., MST, on July 31, August 1 and 2, in order to broadcast benefit amateur boxing tournament.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Ordered that a hearing on the application of WHDH for modification of license to operate station on **830 kc.**, with 5 KW, unlimited time, on a regular basis, be held on October 10, 1939.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Denied petition to reconsider action of July 27, 1938, in designating for hearing its application for special experimental authority to operate on the frequency **830 kc.**, with 5 KW, unlimited time, and grant same without a hearing.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Denied application for special experimental authority to operate on frequency **830 kc.**, with 5 KW, unlimited time, because the program proposed would not constitute a substantial contribution to the development of the radio art.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with KBST from 7:45 to 9:15 p. m., MST, on July 27 in order to broadcast statewide talks relative to safety.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period July 20 to August 18, 1939.

W3XAL-W3XL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish news to be rebroadcast by Cuban Stations CMX and COCX for the period July 2 to Sept. 27, 1939.

APPLICATIONS FILED AT FCC

560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Modification of license to increase power from 500 watts, 1 kw. LS, to 1 kw. power day and night.

620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—License to cover C. P. (B3-P-1471) as modified for a new station.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of license to change hours of operation from limited to unlimited time, using directional antenna from sunset at San Francisco, Calif.

780 Kilocycles

WPIC—Sharon-Herald Broadcasting Co., Sharon, Pa.—Construction permit to install new transmitter and increase power from 250 watts to 1 kw.

890 Kilocycles

KFNF—KFNF, Incorporated, Shenandoah, Iowa—Modification of construction permit (B4-P-1449) as modified, to increase power, move transmitter, install directional antenna for night use, changes in equipment, further requesting extension of commencement and completion dates from 4-15-39 and 8-1-39 to 8-1-39 and 2-1-40 respectively.

920 Kilocycles

WSPA—Virgil V. Evans, d/b as The Voice of South, Carolina, Spartanburg, S. C.—Construction permit to install directional antenna for night use, change frequency from **920 kc.** to **610 kc.**, hours of operation from daytime to unlimited time, using 1 KW power night and day.

1200 Kilocycles

WJNO—WJNO Inc., West Palm Beach, Fla.—Construction permit to install new transmitter.

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WJBC—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, a partnership, Bloomington, Illinois—Modification of license to increase power from 100 watts, 250 watts, day to 250 watts day and night.

1210 Kilocycles

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Modification of construction permit B2-P-1809, for a new station, requesting approval of antenna, changes in transmitting equipment, and approval of studio and transmitter site at 3rd and Jefferson Sts., Louisville, Ky.

WMFG—Head of The Lakes Broadcasting Co., Hibbing, Minn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—Modification of C. P. (B3-P-2106) for a new station, requesting approval of antenna, changes in transmitting equipment, and approval of studio and transmitter site at # 70, 0.4 mile east of city, Sweetwater, Texas.

NEW—Fort Myers Broadcasting Company, Fort Myers, Fla.—Construction permit for a new station on **1210 kc.**, 100 watts, 250 watts day, unlimited time.

WSIX—WSIX, Incorporated, Nashville, Tenn.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter and antenna, increase power from 1 to 5 KW, change frequency from **1240 kc.** to **620 kc.** Amended: Transmitter site to be determined, San Juan, P. R.

1250 Kilocycles

KIT—Carl E. Haymond, Yakima, Washington.—Modification of license to increase power from 500 watts; 1 kilowatt-day to 1 kilowatt day and night.

1310 Kilocycles

NEW—C. E. Palmer, Hot Springs, Ark.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts power night and 250 watts power daytime, unlimited hours of operation. Amended to give transmitter site as site to be determined, Hot Springs, Ark.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KCKN—KCKN Broadcasting Co., Kansas City, Kansas.—Construction permit to install new transmitter.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1370 Kilocycles

WEOA—Evansville On the Air, Inc., Evansville, Ind.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WHLB—Head of The Lakes Broadcasting Co., Virginia, Minn.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Texas.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WMFO—James R. Doss, Jr., Decatur, Ala.—Voluntary assignment of license from James R. Doss, Jr., to Tennessee Valley Broadcasting Co., Inc.

NEW—Dallas Broadcasting Corp., Dallas, Texas.—Construction permit for a new station on **1370 kc.**, 100 watts, 250 watts day, unlimited time.

WSAU—Northern Broadcasting Co., Inc., Wausau, Wis.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1420 Kilocycles

WGNC—F. C. Todd, Gastonia, N. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WCHV—Community Broadcasting Corporation, Charlottesville, Va.—Transfer of control of corporation from Mrs. Hugh M. (Nancy) Curtler, to Mrs. Marcia Arrington, 2231 shares common stock.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Poughkeepsie Broadcasting Corporation, Poughkeepsie, N. Y.—Construction permit for a new station on **1420 kc.**, 250 watts, unlimited time.

1500 Kilocycles

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

KSAL—R. J. Laubengayer, Salina, Kans.—Voluntary assignment of construction permit B4-P-2068, from R. J. Laubengayer, to KSAL, Inc.

WRGA—Rome Broadcasting Corp., Rome, Ga.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WDNC—The Durham Radio Corp., Durham, N. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

MISCELLANEOUS

NEW—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Construction permit for a new high frequency broadcast station on 42600 kilocycles, 1 kilowatt power, special emission, located at Hotel Tremont, 275 Tremont St., Boston, Mass.

WFYB—Columbia Broadcasting System, Inc., Portable, Mobile, Area of Cincinnati, Ohio.—License to cover C. P. (B2-PRY-181) for a new relay broadcast station.

WHPA—WHP, Incorporated, Portable-Mobile, Area of Harrisburg, Penna.—License to cover C. P. (B2-PRY-158) for a new relay broadcast station.

XXXXX—RCA Communications, Inc., New York, N. Y.—Authority to transmit programs via RCA Communications, Inc., originating at 64 Broad, New York, New York, to CMX, Havana, Cuba.

NEW—Metropolitan Television, Inc., New York, N. Y.—Construction permit for new television station on 102000-108000 kilocycles, 1 kilowatt power A3, A5 and special emission, to be located at Hotel Pierre, 795 Fifth Ave., New York, N. Y.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

America's Medicine and Nu-Mode Company—A complaint has been issued against Harry S. Benham, trading as America's Medicine and Nu-Mode Company, 620 Orleans St., Chicago, alleging false and misleading representations in the sale of medicinal preparations represented as treatments for delayed menstruation, such preparations being designated as "America's Medicine XX Compound", "Nu-Mode XX Compound" or "Kotess Periodic Relief Compound", "America's Medicine XXX Compound", and "Nu-Mode XXX Compound", or "Kotess Periodic Relief Compound".

The complaint alleges that the respondent's products do not, as advertised, accomplish results without pain or inconvenience and are not a competent, safe and effective remedy for delayed menstruation. The complaint further alleges that the respondent's advertisements are false in that they fail to reveal that use of the preparations under the conditions prescribed in the advertisements or under customary or usual conditions may result in serious and irreparable injury to the health of users. (3851)

American Plierench Corporation—A complaint has been issued against American Plierench Corporation, 4611 Ravenswood Ave., Chicago, alleging false representations in the sale and distribution of a combination plier and wrench kit, designated "The Eifel-Geared PlieRench Kit".

The complaint alleges that representations and implications by the respondent as to the earnings of its representatives are false and misleading, for actually its full time representatives do not make from $35 to $85 per week, nor from $1,500 to $4,000 per year as advertised, nor do part-time salesmen make proportionate sums. The complaint further alleges that the respondent does not furnish representatives with a "7-edge end-&-angle screwdriver" "free", or without cost or condition, as advertised, but requires the purchase of one or more articles, which fact is not disclosed to the prospective representatives until after inquiry has been made. (3853)

G. Bernardi—Misleading advertising in the sale and distribution of a medicinal preparation designated "Benaris" is alleged in a complaint issued against G. Bernardi, 1017 Euclid Ave., Cleveland.

The complaint alleges the respondent's advertising to be false in that the preparation "Benaris" is allegedly not, as advertised, a cure or remedy for colds, chronic colds, catarrh, bronchitis, laryngitis, dryness of the throat, irritation or inflammation of the throat, inflamed or enlarged tonsils, hoarseness, rose or hay fever, or congestion of the nasal passages.

It is further alleged that the respondent's preparation will not, as advertised, neutralize the tissues or eliminate colds; will not in all cases relieve headaches or sinus ailments; will not insure a healthful or efficient day, or bring new life or sensation to its user; nor will its use cause greater diaphragmatic breathing or result in finer head tones, or increase the resonance, volume or quality of the voice. According to the complaint, Benaris is not beneficial in the relief of headaches which are not due to congestion of the mucous membranes of the air passages. (3857)

Fairfield Engineering Company, 324 Barnhardt St., Marion, Ohio, in a complaint is alleged to have made false and misleading representations in the sale of "Fairfield Coal Distributors" and "Fairfield NON-SEGREGATING Coal Distributors."

The complaint alleges that the respondent's coal distributors, represented as being non-segregating, are not such within the meaning of that term. The term "non-segregating" when applied to coal distributors is alleged to be understood by the trade to mean a distributor which causes a uniform layer of fine and coarse coal to be delivered across the entire surface of the fire boxes of boilers, in the same proportionate mixture as when the coals leave the bunkers, thus bringing about economy and efficiency in the operation of large steam boilers. (3850)

Nu-Way Manufacturing—A complaint has been issued against L. B. Patterson, trading as Nu-Way Manufacturing, Des Moines, Iowa, alleging false and misleading representations in the sale and distribution of an electric water heater, designated Speed King Water Heater.

The complaint alleges that direct or implied claims of the respondent as to the efficacy of his heater and as to the earnings made by his representatives are false and misleading.

Allegations cited in the complaint as being false are that the Speed King Heater provides the fastest way known of heating water; that it boils water almost instantly or in 60 seconds; saves up to 50 per cent of gas and fuel bills, and does the work of heaters costing 40 to 50 times as much, and that agents selling the heater can make profits of 141 per cent to 218 per cent. (3852)

Positive Products Company—A complaint has been issued against Earl Aronberg, trading as Positive Products Company and Rex Products Company, 6603 Cottage Grove Ave., Chicago, alleging false and misleading representations in the sale of medicinal preparations represented as treatments for delayed menstruation, such preparations being designated as "Triple-X Compound" and "Reliable Perio Compound," also known as "Perio Pills" and "Perio Relief Compound."

It is alleged that the respondent's products do not, as advertised, accomplish results without pain or inconvenience and are not a competent, safe or effective remedy for delayed menstruation. The respondent's advertisements are further alleged to be false in that they fail to reveal that use of the preparations, under the conditions prescribed in the advertisements, or under customary or usual conditions, may result in serious and irreparable injury to the health of users. (3856)

Rex Products Company—See Positive Products Company.

U-Need Candy Company, Inc.—Use of lottery methods in the sale and distribution of candy is alleged in a complaint issued against U-Need Candy Co., Inc., Louis J. Weger, Mrs. Louis J. Weger, and Charles R. Hosey, 1231 West Washington Ave., South Bend, Ind.

The respondents are alleged to have sold to wholesale dealers, jobbers and retail dealers certain assortments of candy so packed and assembled as to involve the use of lottery schemes when sold and distributed to consumers. (3855)

Zelle Company—Under a complaint Leland F. Benham, trading as The Zelle Company, 620 Orleans St., Chicago, is charged with disseminating false advertisements for the purpose of inducing the purchase of "Zellets No. 1" and "Zellets No. 2" represented as treatments for delayed menstruation.

The complaint alleges that the respondent's products do not, as advertised, accomplish results without pain or invonvenience and are not a competent, safe, and effective remedy for delayed menstruation. The complaint further alleges that the respondent's advertisements are false in that they fail to reveal that use of the preparations under the conditions prescribed in the advertisements or under customary or usual conditions may result in serious and irreparable injury to the health of users. (3854)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Chenille Corporation of America, Chicago, was ordered to discontinue misleading representations in the sale and distribution of rugs.

Findings of the Commission are that in 1935 Chenille Corporation of America discontinued its prior practice of employing homeworkers to make its rugs from yarns supplied by the respondent, and substituted therefor an electric machine, thus producing machine-made rugs at a cost of about 45 cents per square foot in contradistinction to a "hand-hooked" or "hand-made" rug costing from 75 cents to $1.25 a square foot. The respondent sold its rugs to department stores, and in some instances, represented directly or impliedly that they were "hand-hooked" or "hand-made."

Under the order, the respondent is to cease using the terms "hand-made" or "hand-hooked" or similar terms to describe rugs which have not been made entirely by hand labor and hand craft. (3201)

Gold Medal Farms, Inc.—Under an order, Gold Medal Farms, Inc., New York milk distributor, and two of its employed officials, are directed to cease and desist from certain unfair competitive practices in connection with the purchase of milk from producers in the New York milk shed.

The order directs that they discontinue deceiving, coercing or intimidating New York or Vermont producers from whom they purchase or receive or may hereafter purchase or receive milk, in the efforts of such producers to form producer-controlled cooperatives; that they cease threatening reprisals or interfering in any way with the organization of cooperative associations of milk producers; that they discontinue disparaging and misrepresenting producers' cooperative bargaining agencies, and cease controlling or dominating the Washington and Rensselaer Counties Producers' Cooperative Association, Inc., or any other producers' cooperative associations. (3380)

STIPULATIONS

The Commission has entered into the following stipulations:

Exelento Medicine Company—In a stipulation entered into Exelento Medicine Company, Atlanta, Ga., agreed to cease representing directly or by implication, that its commodity, "Exelento Quinine Pomade," will cause hair to grow, or have any influence on the growth or falling out of hair, or that it will stop itchy or scaly condition of the scalp, or that its action is sure. (02407)

Gilfillan Bros., Inc., 1815 Venice Boulevard, Los Angeles, entered into a stipulation to discontinue misleading representations in the sale of domestic mechanical refrigerators, designated Gilfillan electric refrigerators.

The respondent will cease representing directly or by implication that the compressors in its mechanical refrigerators have any fewer moving parts than the actual number; that a piston type pump is the most efficient type in all cases; that the capacity of the compressor, evaporator, and condenser individually or collectively is greater by any amount than that of mechanical refrigerators of like size and quality, unless such comparison is based upon scientifically recognized standards and ratings, and that Gilfillan electric refrigerators are lower in price than other mechanical refrigerators of like size and quality by any amount greater than is actually a fact. (02403)

Hexol, Incorporated, 966 Mission St., San Francisco, entered into a stipulation to cease the dissemination of false advertisements in the sale of an antiseptic and disinfectant designated Hexol.

Under the stipulation, the respondent agreed to cease representing that Hexol, in a dilution of 1½ tablespoonfuls to each quart of water, is an effective antiseptic for wounds; that Hexol has all the advantages of phenol or is easier to handle than phenol; that Hexol constitutes an adequate treatment for ulcers, fistulas and exuberant tissue; that Hexol will act as a sterilization agent; that it is a germicide capable of killing pus-forming organisms in concentrations and periods of time less than competent scientific tests show are necessary to produce the results claimed; that the action of Hexol on spores is stronger than phenol; that it is non-toxic and may be employed effectively for all personal and household uses, and that there is no substitute for Hexol. (02404)

Hitchner Biscuit Company, West Pittston, Pa., entered into a stipulation to discontinue the use of lottery schemes in the sale of bakery products.

The respondent stipulated that it will cease supplying others with lottery devices for use in disposal of any merchandise; disposing of any merchandise by the use of lottery devices, or using any method of sale which involves a lottery scheme by which an article is given as a prize or premium in consideration of the purchase of any other article. (2491)

Instant Kleen Laboratories—C. G. Hodapp, trading as Instant Kleen Laboratories, 114 North St. Clair St., Dayton, Ohio, entered into a stipulation to discontinue misleading representations in the sale of an auto polish designated "Instant Kleen."

The respondent agreed to cease representing directly or by implication that salespersons or dealers selling his product may earn any amount which is in excess of amounts normally earned by persons selling his product; that the demand for the product is so great that agents will need additional men to take care of the business; that any percentage of attempts at making sales is successful unless based on reliable statistics, and that there is no competition in the sale of his product, or that sales are guaranteed. (02405)

Charles Monnat—In a stipulation entered into, Charles Monnat, New York, agreed that in connection with his sale and distribution of watch spring products, he will discontinue the use of the word "manufacturer" or any other word of similar meaning which would represent that the products sold by him are made in a plant or factory which he owns or operates or directly and absolutely controls, when such is not the fact. (2490)

G. M. Poix, Inc., 99 Madison Ave., New York, entered into a stipulation to discontinue the dissemination of false representation in the sale of a brassiere designated "AP-Uplift."

Under the stipulation, the respondent agreed to cease representing, directly or by implication, that the "AP-Uplift" is the only device that gives the upward converging control to the breasts, desired by doctors, before and after the birth of a baby; that "AP-Uplift" relieves pain, removes the causes of many bust troubles, applies to all sizes of figures, corrects the defects caused by the bandage type brassiere, and is at variance with nearly every other brassiere. (02406)

Madame Ramsey's—Lorraine Ramsey, trading as Madame Ramsey's, Norfolk, Va., entered into a stipulation to cease representing directly or by implication that her hair preparations, when applied locally to the scalp, will cause hair to grow or will promote its growth or will effectively prevent or cure baldness or cause the growing of hair on bald heads. Among products sold by the respondent are: Mme. Ramsey's Triple Strength Hair Grower and Mme. Ramsey's Double Strength Hair Grower. (2489)

Sozonian Vault Company, Bucyrus, Ohio, has entered into a stipulation to discontinue misleading representations in the sale and distribution of metal grave vaults.

The respondent agreed to cease and desist from causing the exhibition or sanctioning the exhibition by its salesmen or representatives of photographs or any pictorial or other representation of the products of its competitors, the effect of which may tend to falsely represent such competitive products. The respondent further agreed to cease representations to the effect that its products will assure permanent protection to the caskets or bodies encased therein, or that such products will remain permanently rust- or waterproof, when such representations are not warranted in view of various soil, climatic and other burial conditions. (2488)

Vadsco Sales Corporation—In a stipulation entered into, Vadsco Sales Corporation and its subsidiary, V. Vivaudou, Inc., New York, agreed to discontinue false advertising in the sale of talcum powders designated Djer-Kiss Talc and Mavis Talcum Powder.

The respondents stipulated that they will cease representing directly or by implication that Djer-Kiss Talc in any way influences or affects body temperature; that Mavis Talcum Powder is materially different from, or more effective than, similar substances; that the formula of Mavis Talcum Powder is the outcome of scientific research and experiment or that the product has a protective quality not found in any other powder, or that Mavis Talcum Powder to any extent promotes sleep, relaxes or soothes the nerves, or reduces the amount one perspires.

The respondents further stipulated that they will cease advertising that Mavis Talcum Powder has healing properties or contains ingredients which make it beneficial in the treatment of skin disorders, unless such representations are limited to the product's effect in drying the skin or in reducing irritation and friction; that the pores breathe or that Mavis Talcum Powder permits the pores to breathe; that Djer-Kiss Talc and Mavis Talcum Powder completely counteract or mask objectionable body odors, and that Djer-Kiss Talc and Mavis Talcum Powder, with respect to their odor or substance, when applied to the body, remain effective for any purpose during the entire day of their use or for any substantial length of time. (02408)

V. Vivaudou, Inc.—See Vadsco Sales Corporation.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 31, August 4, 1939

ASCAP Negotiations Collapse; Special Convention Called For Sept. 15 In Chicago

After trying in vain since last March to find out how much broadcasters would be expected to pay for their music on the expiration of their present contract with the American Society of Composers, Authors and Publishers, Neville Miller, President of the National Association of Broadcasters, announced Thursday that the broadcasters would embark immediately upon efforts to develop such other sources of music as would render them independent of the copyright pool which now controls an overwhelming portion of the music available for use on the air.

Mr. Miller's announcement came immediately after the Negotiating Committee of his organization had met with John Paine, General Manager of the Society, and had been told that the Society still was not ready to make any proposal to the broadcasters, and further, that although the Society's Board of Directors had on July 13 authorized its president, Gene Buck, to appoint a committee of Board members with authority to negotiate with the broadcasters, Mr. Buck had departed on a vacation without even appointing such a committee and that the date of his return to New York had not been set.

Mr. Miller began negotiations with the copyright pool on behalf of the broadcasters last March, and these negotiations have been energetically pressed by the Negotiating Committee for many weeks but the Committee was forced to admit that in view of the Society's attitude it had been able to make absolutely no progress. It immediately got in touch with the Copyright Committee of he broadcasters' organization of which it is a sub-committee. The Copyright Committee thereupon called a convention of the entire broadcasting industry at the Edgewater Beach Hotel in Chicago on September 15 to raise a substantial war chest and to ratify plans which will be formulated meantime and which are expected to create an adequate supply of music from independent sources.

The Copyright Committee will meet in New York on August 9 to set plans and to engage a specialized staff for that purpose. The chief objectives of the broadcasters are:

1. To defend themselves against the Society's requirements that they pay tribute percentage-wise on all programs regardless of whether or not they use any ASCAP music or indeed any music at all.

2. To reduce the broadcasters' annual toll to the Society which is now running around $4,000,000 a year and is rapidly mounting.

3. To bring about a more equitable distribution of the charges among the broadcasters themselves.

4. To foster, encourage and promote the writing of new music and new lyrics by giving

(Continued on page 3640)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

ASCAP NEGOTIATIONS COLLAPSE; SPECIAL CONVENTION CALLED FOR SEPT. 15 IN CHICAGO

(Continued from page 3639)

opportunity to be heard to new composers and authors.

5. To arm themselves with such supply of, or access to, music as will enable them to conduct future negotiations with the Society on terms of some equality.

Mr. Miller said that, while the broadcasters were not yet prepared to disclose their plans fully, their principal effort would be toward the engaging of composers and authors with a view to building up a reservoir of new music and the arranging and popularizing on the air of music now in the public domain which is not controlled by the copyright pool. He added that efforts would be made to enter into making arrangements with such publishers, composers and authors as have not yet renewed their contract with the Society and said that very probably there would be cooperative effort towards entering the music publishing field on a non-profit basis. He stated the desire of the broadcasters to give opportunity to new and non-established composers and any writers who felt that the Society had denied them opportunity to be heard.

Mr. Miller explained that the action taken today was in line with the instruction received by the Copyright Commiteee at the broadcasters' recent convention in Atlantic City and said from the temper of the broadcasters he anticipated no difficulty in obtaining ample funds for the vigorous and effective program. Mr. Miller emphasized that the broadcasters had paid the Society approximately $20,000,000 for the right to use their music during the past six years alone and said that they expected to continue to pay very substantial sums for the use of music, but he declared that he believed that the broadcasters, who are the Society's biggest contributors, could no longer remain so largely dependent upon a single source of music.

The broadcasters' present contract with the Society expires December 31, 1940.

The members of the Negotiating Committee are Neville Miller, President, National Association of Broadcasters; Lenox Lohr, President, National Broadcasting Company, Inc.; Edward Klauber, Executive Vice President, Columbia Broadcasting System; John Elmer, President, WCBM, Baltimore, Maryland; Samuel R. Rosenbaum, President, WFIL, Philadelphia, Pennsylvania; Walter J. Damm, Managing Director, WTMJ, Milwaukee, Wisconsin; and John Shepard, 3rd, President, The Yankee Network, Boston, Massachusetts.

The Copyright Committee of the NAB represents all groups of broadcasters, and in addition to the members of the Negotiation Committee mentioned above, include the following: Edwin W. Craig, Executive Vice President, National Life and Accident Insurance Company (WSM); Gregory Gentling, General Manager, KROC, Rochester, Minnesota; Clair McCollough, General Manager, WGAL, Lancaster, Pennsylvania; Theodore C. Streibert, Vice President, Mutual Broadcasting System, New York, N. Y.; Harold Wheelahan, General Manager, WSMB, New Orleans, Louisiana; and I. R. Lounsberry, Manager, WGR-WKBW, Buffalo, New York.

Fly Visits President

James L. Fly, confirmed by the Senate on August 1 as successor to Frank R. McNinch as a member of the Federal Communications Commission, paid a visit on Thursday afternoon to President Roosevelt, accompanied by Mr. McNinch.

It was reported that they discussed some of the pending problems of the Commission and that Mr. McNinch told the President that it would probably be six months before the Commission will be ready to make public the results of its monopoly investigation in the broadcast industry.

Mr. McNinch, under date of July twenty-fifth, gave the President the following letter of resignation:

"Dear Mr. President:

"On October 1, 1937, you requested me to resign as Chairman of the Federal Power Commission and assume the duties of the Chairmanship of the Federal Communications Commission and effect such reorganization of its work as I might deem necessary to enable it to function more speedily and uniformly and more nearly to your satisfaction.

"We both expected this task would be accomplished long before this time. Once having undertaken this work, however, I found it so fraught with problems and difficulties and the Commission so disunited that not until now have I felt justified in respectfully requesting you to release me from further service at the Commission. I do not believe I could contribute a great deal more by continuing as Chairman unless I desired to continue in the work indefinitely, which I have no desire to do.

"It was our understanding that you would release me when I had done what I could to improve conditions within and the functioning of the Commission. The procedure for handling the work of the Commission has been radically reorganized and certain personnel changes effected, all of which have contributed toward a marked improvement in the efficiency of the Commission but, in my judgment, it is not possible to reach the maximum of efficiency in the public interest with the present personnel and within the inadequate framework of the Communications Act. It was this conviction that moved me to recommend to you last winter a reorganization of the Commission and a revision of the Act, both of which recommendations I now renew.

"I found a great accumulation of pending cases and other work which has been brought up to date but which necessitated working unbearably long hours. This resulted recently, as you know, in a temporary impairment of my health, but I am happy to inform you now that I am rapidly improving.

"I am now convinced that, in justice to my family and to myself, I should not continue to carry the onerous burdens of an administrative position and have decided to reenter the practice of law, which I hope may be more lucrative but which will certainly be less burdensome and exacting physically than my present duties, and I hereby tender my resignation to be accepted at your pleasure, preferably not later than September 1, 1939.

"It was this same feeling which prompted me to advise you that I did not feel like undertaking another term as Chairman of the Federal Power Commission.

"At the close of my period of service I shall submit to you a summary report of the major improvements in the Federal Communications Commission since I took office.

"With renewed assurances of my unqualified loyalty to you personally and to the constructive and vital reforms in the interest of the people under your leadership, I am

"Faithfully yours,

"s/ Frank R. McNinch."

Under this date the President advised Mr. McNinch that his resignation had been reluctantly accepted. His letter read as follows:

"My Dear Frank:

"Because of the considerations which you urge in your letter of July twenty-fifth I have no alternative but to accept your resignation, effective at the close of business on August 31, 1939. I take this action with reluctance and sincere regret because of the high type of service you have rendered in the public interest.

"But your health is of paramount importance and you are perhaps wise in taking your recent illness as a warning that you must return to private pursuits, less exacting, physically and less onerous in their demands on both your time and your strength.

"I realize that I imposed a heavy burden upon you when I asked you to resign as Chairman of the Federal Power Commission and assume the duties of the Chairmanship of the Federal Communications Commission. I know that the task of reorganization, with which you were confronted, was a heavy one, and I appreciate your present conviction that you could not see the work through to completion without continuing with the Commission indefinitely.

"For all that you have done—much of it imposing a tremendous strain on your physical strength—I desire to express gratitude and appreciation. And although your retirement from the public service is deeply regretted I do hope that in the less exacting demands of private life you will find speedy restoration to health and strength. With every good wish.

"Very sincerely yours,

"Franklin D. Roosevelt."

INTERNATIONAL COPYRIGHT TREATY

Senator Thomas (D-Utah) on August 1 announced on the floor of the Senate that the International Copyright Treaty would not be taken up at this session of Congress. This Treaty, known as Executive E, 73rd Congress, has been on the executive calendar of the Senate for some months, and its adoption prior to the passage of adequate copyright amendments has been opposed by most groups affected by the copyright laws. Adherence by the United States to the International Copyright Convention is sponsored by the State Department. A strenuous effort probably will be made at the next session of Congress to obtain Senate approval.

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MEMBERSHIP CERTIFICATES

A membership certificate was mailed to all active members of the Association this week. It is hoped that this certificate will be displayed prominently some place in the station. If, after a reasonable length of time, your copy is not received, please advise Headquarters Office as each member was mailed a certificate.

NEW LEGISLATION

CONGRESS

H. R. 7456 (Mr. Kennedy, D-NY) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents.

FCC CLOSES 290 CASES

The Federal Communications Commission has announced that since November 15, 1938, it had disposed of 290 of a total of 325 broadcast hearing docket cases. Of the 35 not disposed of by the Commission, 12 cannot be acted upon by reason of contingencies beyond the control of the Commission, such as possible conflict with Havana Radio Broadcast Treaty and pending litigation. Of the remaining 23 docket cases decisions are in the course of preparation for early action by the Commission.

In addition to the foregoing 325 cases there are 19 cases recently heard which are not available to the Commission for action because of lack of completion of the cases by litigant parties to the proceedings.

RELAY RULES AMENDED

FCC has amended relay rules, section 41.05(c) to read as follows:

Sec. 41.05—*Power Limitations*

(c) A relay broadcast station assigned frequencies in Groups H and I will be licensed to operate with a power output not in excess of that necessary to transmit the program and orders satisfactorily to the receivers and shall not be operated with a power greater than that licensed. In event interference may be caused to stations on adjacent channels, licensees shall endeavor to make arrangements to reduce power to a point where interference will not be objectionable. If a satisfactory arrangement cannot be agreed upon, the Commission will determine and specify the maximum power or conditions of operation of each such station.

FCC ANNOUNCES ADMINISTRATIVE CHANGES IN ORDER NO. 2

A new administrative order, No. 2, has been issued by the Federal Communications Commission which changes and announces in detail the duties of various officials of the Commission as follows:

Under the authority of the Communications Act of 1934, as amended, particularly Sections 5(e) and 409 thereof,

IT IS ORDERED:

(1)(a)[1] That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, upon:

(a) all applications for operator licenses, and
(b) all applications for amateur and ship stations, and
(c) all applications for renewal of aircraft station licenses, and for new aircraft station licenses in cases where the applicant is the holder of a station license;

(b) That the Secretary of the Federal Communications Commission is hereby authorized to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary in the following matters:

(a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment:
  (1) operation without an approved frequency monitor;
  (2) operation without an approved modulation monitor;
  (3) operation without thermometer in automatic temperature control chamber;
  (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  (6) operation with temporary antenna system;
  (7) operation with auxiliary transmitter as main transmitter;
(b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
(c) where formal application is not required, application for new or modified equipment or antenna system;
(d) change of specifications for painting and lighting antenna towers where formal application is not required;
(e) operation to determine power by direct method during program test period;
(f) relocation of transmitter in same building;
(g) operation with reduced power or time under Sections 3.57 and 3.71;
(h) approval of types of equipment as to compliance with outstanding rules and standards;
(i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
(j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
(k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;
(l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
(m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
(n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it become impossible to continue operating at the licensed location;

(2A) That the Chief Accountant of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act upon and to make appropriate order in letter form for the signature of the Secretary in the following matters:

(a) administration and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
(b) applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
(c) administration and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of standard broadcast stations and broadcast networks or chains;

(3)[1] That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify and report or otherwise act upon all applications for the Aviation, Emergency, and Miscellaneous services, and for special authorizations other than those falling under paragraph (1), (2), (4), (5) or (6) (b) of this Order; and for emergency exemptions from the provisions of Section 352 (b) of the Act:

(4)[1] That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all applications in the broadcast service as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization, in a manner not inconsistent with the established policy of the Commission; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter sites; and applications for relay broadcast stations;

(5)[1] That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all radio matters of every character (except broadcast, and cases falling under paragraph (1) of this Order) within the territory of Alaska;

(6) That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to determine, order, certify, report or otherwise act upon all uncontested proceedings involved in:

(a) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;

(b)[1] applications for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission the revocation of station license, or the establishment of a new type of service.

(7) That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to determine and act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act and in connection with the administration of this section in so far as it relates to the modification of requirements

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[1] Applications for Class II experimental stations, directed toward the development of an established radio service only, shall be included among the classes of applications covered by the delegation of authority contained in the paragraphs designated [1], for the classes of service covered in such paragraphs.

[1] Applications for Class II experimental stations, directed toward the development of an established radio service only, shall be included among the classes of applications covered by the delegation of authority contained in the paragraphs designated [1], for the classes of service covered in such paragraphs.

thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

(8) That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided however that except in cases of emergency such matters shall be heard upon the motions docket in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure;

IT IS FURTHER ORDERED:

That this Order shall become effective August 1, 1939, and that effective simultaneously Commission Order No. 28 of November 29, 1937, as amended, be and the same is hereby, repealed.

FEDERAL COMMUNICATIONS COMMISSION,
John B. Reynolds,
Acting Secretary.

Adopted: July 12, 1939.
Amended: July 26, 1939.

TELEVISION BANDS

The FCC has simplified the identification of various television bands. In this connection the Commission has made the following statement:

> The Commission on July 12, 1939, amended Section 43.13(a) (to be renumbered Sec. 4.74(a)), of the Commission's Rules governing television service, to read as follows:
>
> Sec. 43.13(a).
>
> (a) The following groups of channels, as indicated by a channel designation, are allocated for assignment to television broadcast stations licensed experimentally:
>
> *Group A*
>
> Channel No. 1—44,000–50,000 kc.
> " " 2—50,000–56,000 kc.
> " " 3—66,000–72,000 kc.
> " " 4—78,000–84,000 kc.
> " " 5—84,000–90,000 kc.
> " " 6—96,000–102,000 kc.
> " " 7—102,000–108,000 kc.
>
> *Group B*
>
> Channel No. 8—156,000–162,000 kc.
> " " 9—162,000–168,000 kc.
> " " 10—180,000–186,000 kc.
> " " 11—186,000–192,000 kc.
> " " 12—204,000–210,000 kc.
> " " 13—210,000–216,000 kc.
> " " 14—234,000–240,000 kc.
> " " 15—240,000–246,000 kc.
> " " 16—258,000–264,000 kc.
> " " 17—264,000–270,000 kc.
> " " 18—282,000–288,000 kc.
> " " 19—288,000–294,000 kc.
>
> *Group C*
>
> Any 6,000 kc. band above 300,000 kc., excluding the band 400,000–401,000 kc.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Orville W. Lyerla for a construction permit for the erection of a new station at **Herrin, Illinois,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The application of Station KFVS at **Cape Girardeau, Missouri,** to operate unlimited time on **1210 kilocycles,** 100 watts night, 250 watts LS, instead of sharing time with Station WEBQ was denied without prejudice by the Commission.

In the same decision, the Commission also denied without prejudice the application of WEBQ requesting change in frequency from **1210 kilocycles** to **1310 kilocycles,** with power of 100 watts night, 250 watts LS, sharing time with KFVS.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The next regular meeting of the Commission will be on August 8.

The following hearing is scheduled by the Commission in a broadcast case during the week beginning Monday, August 7. It is subject to change.

Monday, August 7

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—In the Matter of: Order to show cause why the license to operate Radiobroadcast Station WLTH should not be revoked.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings and oral arguments. They are subject to change.

September 14

Oral Argument Before the Commission

WPG—Greater New York Broadcasting Corp., Atlantic City, N. J. (proposed studio location, New York, N. Y.) (proposed transfer location, Kearney, N. J.).—C. P., **1100 kc.,** 5 KW, unlimited time (requests facilities of WOV and WBIL). Present assignment: **1100 kc.,** 5 KW, specified hours (WBIL).

WPG—City of Atlantic City, (Assignor), Greater New York Broadcasting Corp. (Assignee), Atlantic City, N. J.—Voluntary assignment of license, **1100 kc.,** 5 KW, specified hours (WBIL).

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—The Moody Bible Institute, Radio Station, Chicago, Ill.—C. P., **41,300 kc.,** 100 watts Emission A-3, unlimited time.

October 10

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **830 kc.,** 5 KW, 5KW LS unlimited time (DA night). Present assignment: **830 kc.,** 1 GW daytime.

October 19

Reargument Before the Commission

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Renewal of license., **1400 kc.,** 500 watts, shares WARD, WBBC and WVFW.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1400 kc.,** 500 watts, shares WBBC, WLTH and WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, **1400 kc.,** 500 watts, shares WARD, WLTH and WVFW.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

KNEL—G. L. Burns, Brady, Tex.—Granted Order to Take Depositions in re application for modification of license.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Overruled motion to dismiss respondent's appearance (WFBR, Baltimore), in re application of WLAP for C. P. to change frequency, etc.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Overruled motion to dismiss respondent's appearance (WHIO, Miami Valley Broadcasting Corp.), in re WLAP's application for C. P. to change frequency, etc.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Overruled motion to dismiss respondent's appearance (WASH and WOOD—King-Trendle Broadcasting Corp.), in re WLAP's application for C. P. to change frequency, etc.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Motion overruled, exception noted by counsel for WMT, for petition to intervene and that the issues to be determined upon hearing be enlarged, in re application of The Gazette Co., Cedar Rapids, Iowa, for a new station.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Attorney for WXYZ allowed to withdraw petition to dismiss without prejudice or for leave to amend application for C. P. to increase power from 1 KW to 5 KW.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted motion to accept amendment so that the application will be considered as a modification of license to increase night power to 5 KW.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted special temporary authority to broadcast test signals radiated from general experiment station W2XGB from 10:15 to 10:30 p. m., EST, July 27, in connection with a special program attempting to communicate with Mars.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted special temporary authority to operate with the present two unit directional antenna in accordance with experimental authority granted under license for period August 1 to August 30, 1939, in order to determine necessary steps to change from a special to a standard broadcast station.

NEW—Bellingham Broadcasting Co., Bellingham, Wash.; KVOS, Inc., Bellingham, Wash.—Postponed hearing scheduled in Bellingham for August 10, until August 16, to be heard by Commissioner Payne.

WCMI—J. T. Norris and B. F. Forgey, Ashland, Ky.—Granted application for transfer of control of Ashland Broadcasting Company (Radio Station WCMI), to Gilmore N. Nunn and J. Lindsay Nunn.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted license to cover C. P. authorizing increase in nighttime power from 500 watts to 1 KW, employing DA at night, and changes in equipment.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted license to cover C. P. authorizing new station to operate on **620 kc.,** 250 watts night, 1 KW day, unlimited time.

WAIF—WGN, Inc., Chicago, Ill., Portable-Mobile.—Granted license to cover C. P. for high frequency relay broadcast station; frequencies **31620, 35260, 37340** and **39620 kc.;** 25 watts.

WAIG—WGN, Inc., Chicago, Ill., Portable-Mobile.—Granted license to cover C. P. for high frequency relay broadcast station; frequencies **31620, 35260, 37340** and **39620 kc.;** 1 watt.

WAIH—WGN, Inc., Chicago, Ill., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.;** 50 watts

W9XEG—Martin R. O'Brien, Aurora, Ill., Portable-Mobile.—Granted license to cover C. P. for new high frequency broadcast station; frequencies **30820, 33740, 35820** and **37980 kc.;** 6 watts

W7XCY—Oregonian Publishing Co., Portland, Ore., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies **31220, 35620, 37020** and **39260 kc.;** 4.5 watts.

WPIV—Petersburg Newspaper Corp., Petersburg, Va.—Granted modification of C. P. approving transmitter and studio sites at Colonial Heights, Va., and corner Sycamore and Tabb Sts., Petersburg, respectively, and installation of vertical radiator.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of C. P. to extend commencement date to 30 days after grant, and completion date to 90 days thereafter; to permit change of transmitter site locally; and to specify frequency of **42260 kc.** as provided by new rules in lieu of frequencies now specified in terms of C. P.; frequency **42260 kc.** on an experimental basis conditionally.

W3XIS—WLBG, Inc., Richmond, Va., Portable-Mobile.—Granted modification of license to change corporate name from WLBG, Inc., to Richmond Radio Corp.

WAHM—WLBG, Inc., Richmond, Va., Portable-Mobile.—Granted modification of C. P. to change corporate name from WLBG, Inc., to Richmond Radio Corp.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted C. P. to install new equipment in broadcast station.

NEW—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies **31220, 35620, 37020** and **39260 kc.;** 12 watts.

NEW—WJR, The Goodwill Station, Area of Detroit, Mich., Portable-Mobile.—Granted C. P. for new relay broadcast station to use frequencies **1646, 2090, 2190, 2830 kc.;** 150 watts.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 p. m. to 12 midnight, EST, for the period August 1 to August 30, in order to broadcast programs as described in letter of May 27.

KVEC—The Valley Electric Co., San Luis Obispo, Calif.—Granted special temporary authority to rebroadcast a special sky interview between the California Guard North American 0-47 airplane operating on National Guard frequencies and the ground at 1:30 p. m., PST, July 28.

WPG—City of Atlantic City (Assignor), and Greater New York Broadcasting Corp. (Assignee).—Oral argument scheduled for September 14, 1939.

WMFF—Plattsburg Broadcasting Corp., New York City.—Oral argument scheduled for September 14, 1939.

NEW—The Moody Bible Institute Radio Station, Chicago, Ill.—Oral argument scheduled for September 14, 1939.

W9XJM—WCBS, Inc., Springfield, Ill., Portable-Mobile.—Granted C. P. to make changes in equipment and increase power in relay broadcast station to 10 watts.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted C. P. to install new equipment and vertical radiator, upon condition that towers are marked according to specifications.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted license to cover C. P. authorizing installation of DA system for day and nighttime operation.

WAHM—Richmond Radio Corp., Portable-Mobile, Richmond, Va.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2748 kc.,** 50 watts.

WAHF—WTAR Radio Corp., Norfolk, Va., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.,** 50 watts.

NEW—Central Broadcasting Corp., Worcester, Mass.—Dismissed with prejudice the application of Central Broadcasting Corp. for C. P. to operate on **1500 kc.,** 100 watts night, 250 watts LS, at request of applicant.

NEW—Hannibal Broadcasting Co., St. Louis, Mo.—Denied as in case of default application for C. P. for new station to operate on **1310 kc.,** 100 watts, unlimited time, which was set for further hearing in conjunction with Courier Post Publishing Company's application, as applicant failed to file written appearance.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Granted C. P. to change present location of television station from Los Angeles to 1 Lee Drive, Hollywood, and specify specific frequency band of **44000-50000 kc.**, as provided under new rules in lieu of frequencies specified in present authority, frequencies **44000** to **50000 kc.**, on an experimental basis only conditionally, 150 watts aural, 1 KW visual.

NEW—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.**, 12 watts.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. for auxiliary transmitter.

WDAC—University of Wisconsin, Madison, Wis.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 10 watts.

WDAC—University of Wisconsin, Madison, Wis., Portable-Mobile.—Granted modification of C. P. to make changes in equipment of relay station.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted license to cover C. P. authorizing changes in equipment.

W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted license to cover C. P. for high frequency broadcast station to use frequency **42460 kc.**, conditionally, 500 watts.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of commencement date to 8-1-39 and completion date to 2-1-40, covering move of station, increase in power, and installation of new equipment.

WMAN—M & M Broadcasting Co., Marinette, Wis.—Granted modification of C. P. authorizing new station, approving antenna and studio transmitter site.

W9XZY—The Pulitzer Publishing Co., St. Louis, Mo.—Granted special temporary authority to operate upon present assigned frequencies **31600, 35600, 38600** and **41000 kc.**, instead of upon new frequencies, effective under new rules for period of 10 days, pending receipt and installation of new crystal and modifications of equipment in the receivers.

W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted special temporary authority to operate station W9XPD (high frequency broadcast) upon the present assigned frequencies **31600, 35600, 38600** and **41000 kc.**, instead of **25900 kc.** to be assigned August 1 under new rules, for period of 10 days in order to maintain a continuity of service and experimentation pending installation of new crystal.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 6:45 p. m., CST to midnight or later on August 5, in order to broadcast primary election results, using 100 watts only.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate from local sunset (August, 7:30 p. m., EST), to 11 p. m., EST on August 1, in order to broadcast civic celebration in City of Williamson.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to operate on the frequency **2012 kc.** for period August 1 to August 30, in order to avoid interruption of important experiments with improved independent synchronization system.

WEHA—City of New York, Municipal Broadcasting System, Portable-Mobile.—Granted special temporary authority to operate on formerly assigned frequencies **300,000, 450,000, 600,000** and **750,000 kc.**, in lieu of frequencies assigned under new rules, for the period August 1 to August 30, pending transmitter modification.

WNYC—City of New York, Municipal Broadcasting System, Portable-Mobile, New York City.—Granted special temporary authority to operate from 8:15 to 9 p. m., EST, on August 6, in order to broadcast continuation of New York Philharmonic Symphony concert and from 8:15 to 9 p. m., EST, on August 7, in order to broadcast continuation of Goldman Band concert.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 8 p. m., CST, on August 10 and 11 and from 12:30 to 3:30 p. m., and 6:30 to 8 p. m., CST, on August 12, in order to broadcast district softball tournament.

WAID—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application with 20 watts on frequencies **2190** and **2830 kc.**, various hours between 12 noon and 6 p. m., EDST, on August 11, 12 and 13, in order to broadcast description of Eastern Amateur Golf Tournament, Syracuse Yacht Club, Oneida Lake, N. Y.

APPLICATIONS FILED AT FCC

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Modification of C. P. (B2-P-2334) to make changes in transmitting equipment, increase power, further requesting authority to change type of transmitting equipment.

610 Kilocycles

WIOD-WMBF—Isle of Dreams, Broadcasting Corp., Miami, Fla.—Construction permit to make changes in equipment.

640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Construction permit to make changes in transmitting equipment and move transmitter locally from College Campus, to Campus Iowa State College (700 feet), Ames, Iowa, and move studio from Engineering Annex, College Campus, to Service Bldg., Iowa State College, Ames, Iowa.

650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install now transmitter, make antenna changes, change frequency from **650** to **710 kc.**, increase power from 250 watts to 5 kilowatt; 10 kilowatts day, time from limited to unlimited, and move transmitter from 2nd and Union Sts., Seattle, Wash., to site to be determined, near Seattle, Wash.

850 Kilocycles

KWKH—International Broadcasting Corp., Shreveport, La.—Modification of MSA (B3-MSA-46) to install new transmitter, increase power from 10 to 50 kilowatts, move transmitter, further requesting changes in equipment.

1200 Kilocycles

WIL—Missouri Broadcasting Corporation, St. Louis, Mo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1210 Kilocycles

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover C. P. B1-P-2421 to move old RCA 1001-D transmitter to site of new transmitter, to be used as auxiliary transmitter; increase power to 1 KW; use directional antenna day and night, for emergency use only.

1290 Kilocycles

KDYL—Intermountain Broadcasting Corporation, Salt Lake City, Utah.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW day and night.

1310 Kilocycles

NEW—L. J. Duncan, Lelia A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Construction permit for a new station on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Amended to request 250 watts power day and night.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

KBND—The Bend Bulletin, Bend, Ore.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Construction permit to move transmitter 50 feet from Lower Hogback, Jerome, Ariz., to Main Road, Jerome, Ariz., and studio from 711 Main St., Jerome, Ariz., to Main Road (across from High School), Jerome, Ariz. Amended: Antenna.

WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KSRO—Press Democrat Publishing Co., Santa Rosa, Calif.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1320 Kilocycles

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to install new vertical antenna, move transmitter from 111 Broadway, Pueblo, Colo., to corner Lake and Maryland Ave., Pueblo, Colo.

1370 Kilocycles

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Modification of C. P. (B3-P-2269) for a new station, requesting approval of antenna, installation of new transmitter, approval of studio site at 104 E. Colonial Ave., Elizabeth City, N. C., and transmitter site at Parsonage St., Extended, 3 miles northwest of city limits, Elizabeth City, N. C.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Modification of C. P. (B2-P-2287) to install new antenna for auxiliary transmitter and move, further requesting extension of completion date to 11-1-39.

1420 Kilocycles

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Modification of license to increase power from 100; 250 watts LS to 250 watts day and night.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Modification of license to increase power from 100; 250 watts LS to 250 watts day and night.

KCMC—KCMC, Inc., Texarkana, Tex.—Modification of license to increase power from 100; 250 watts day to 250 watts day and night.

WEED—William Avera Wynne, Rocky Mount, N. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WJMS—WJMS, Inc., Ironwood, Mich.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day. Amended to request 250 watts power day and night.

WSLI—Standard Life Insurance Company of the South, Jackson, Miss.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1500 Kilocycles

KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Construction permit to install new transmitter and antenna; change frequency from **1500 kc.** to **1430 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW day and night; move transmitter from 15-17 East Haley St. to site to be determined, Santa Barbara, Calif.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit to install new transmitter and antenna and move transmitter from 134 Miami St., Pittsburgh, Pa., to 341 Rising Main St., Pittsburgh, Pa. Amended: Make changes in antenna and change type of transmitting equipment.

WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

MISCELLANEOUS

NEW—National Broadcasting Company, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station on **42600 kc.**, 1 KW power, A-3 and special emission, to be located at 350 Fifth Avenue, New York, N. Y.

NEW—Bell Telephone Laboratories, Inc., Whippany, N. J.—Construction permit for a new developmental broadcast station at Whippany, N. J., on **43200 kc.**, 5 KW power, special emission.

WFYA—Central New York Broadcasting Corp., Portable-Mobile, area of Syracuse, N. Y.—License to cover C. P. (B1-PRY-182) for new low frequency relay station.

W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—Modification of license to change class of station from developmental broadcast to high frequency broadcast and change frequency from **63500** to **42460 kc.**, A-3 emission.

NEW—The Cincinnati Times-Star Company, Cincinnati, Ohio.—Construction permit for a new facsimile station at Vernon Manor, Hotel, Oak St., and Burnet Avenue, Cincinnati, Ohio, on **25175 kc.**, 100 watts power, A-4.

WJRA—WJR, The Goodwill Station, Portable-Mobile, area of Detroit, Michigan.—License to cover C. P. (B2-PRY-170) for a new low frequency relay broadcast station.

WEGY—Chicago Federation of Labor, Portable-Mobile, Chicago, Ill.—Construction permit for change in equipment and reduce power from 30 watts to 15 watts.

NEW—WDZ Broadcasting Co., Portable-Mobile, area, Tuscola, Ill.—Construction permit for a new relay broadcast station (Portable-Mobile), on **1622, 2058, 2150** and **2790 kc.**, 10 watts power, A3.

NEW—Peoria Broadcasting Co., Portable-Mobile, area of Peoria, Ill.—Construction permit for a new relay broadcast station on **1622, 2058, 2150,** and **2790 kc.**, 25 watts, A3.

NEW—Symons Broadcasting Co., Spokane, Wash.—Construction permit for new facsimile station located at Symons Bldg., S. 7th Howard St., Spokane, Wash., on **25150 kc.**, 100 watts power, A4.

NEW—Midland Broadcasting Co., Kansas City, Mo.—C. P. for new television station located at 106 West 14th St., Kansas City, Mo., operated on **50000-56000 kc.**, 1 KW power, for visual, and 500 watts for aural, A3 and A5, emission.

XXXXX—National Broadcasting Company, Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government which may be heard consistently in the United States, for period beginning 9-15-39.

XXXXXX—First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Mich, to Radio Station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-39.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Heller & Newman, Inc.—A complaint against Heller & Newman, Inc., 250 West 39th St., New York, alleges false representations in the sale and distribution of ladies' coats.

The complaint charges that the respondent labelled garments with the legend "Harris Tweed," when such garments were not made of genuine "Harris Tweed" but were manufactured in the United States from wool imported from England. According to the complaint, "Harris Tweed" is a cloth made from pure virgin wool produced in Scotland, spun, dyed and finished in the Outer Hebrides Islands and hand woven by the Islanders at their homes in the Outer Hebrides. (3859)

National Coin Corporation and John Romano, 8 South Oleander Ave., Daytona Beach, Fla., were charged, in a complaint with false and misleading advertising in the sale of a coin catalog.

It is alleged that in order to induce the purchase of their coin catalog, the respondents advertised prices to be paid by them for old and rare coins, specifying that purchases would be made only from those persons having the respondents' coin catalog. Representations as to the values of old coins generally, and the price that the respondents will pay for them are alleged to be false and misleading. For example, the respondents allegedly advertise that they will pay $450 or more for all dimes bearing dates prior to the year 1895. Members of the purchasing public, it is charged, then purchase the respondents' catalog only to find that the respondents do not pay such sums for all dates prior to 1895, but for only one dime dated prior to 1895, which is an "1894 Mint" dime.

An alleged condition which the respondents place on their purchase of rare coins and with respect to which prospective purchasers of the coin catalog are not advised is the requirement for prospective sellers of coins to post with the respondents a $1 appraisal fee, which fee is returned by the respondents only in the event of the purchase of a coin or coins by the respondents in the amount of $5 or more. (3862)

Shanks Laboratories—In a complaint, W. H. Shanks, W. J. Goggin, Clara Shanks, and Jessie G. Goggin, all trading as Shanks Laboratories, Columbus, Ohio, are alleged to have made false representations in the sale of a medicinal preparation designated "Shanks Mange Lotion."

The complaint alleges the respondents' advertising to be false in that their preparation is not, as advertised, a remedy, cure, or competent treatment for eczema, abscesses, all types of mange, all varieties of cuts or sores, or for all other diseases or disorders of the skin on dogs, and that use of "Shanks Mange Lotion" will not, in all cases, cause hair to grow on dogs. According to the complaint, the respondents' preparation is not a therapeutically guaranteed treatment for itching scalps or scratching dogs. (3860)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Mme. Adele—Adele Millar, trading as Mme. Adele and Chez Adele, San Francisco, has been ordered to discontinue false representations in the sale and distribution of a cosmetic preparation designated "Wonder Peel Paste," or any other similar preparation.

Under the order, the respondent is prohibited from representing that her preparation will withdraw toxins from the skin, accelerate chemical changes in the living skin cells, or supply materials to the skin to repair waste tissues; that its use will prevent or remove freckles, liver spots or wrinkles; that it will prevent or remove or have any beneficial effect in aiding in the removal of, any blemishes or other conditions of the skin which are due to or persist because of a systemic or metabolic disorder or condition; that it will prevent pimples, blackheads, puffs, scars, pits, acne or crepey neck, and that it has any beneficial effect in aiding in the removal of pimples, blackheads, puffs, scars, pits, acne or crepey neck, unless such representation is limited to those conditions which are of a surface character only. (3346)

Philadelphia Rubber Waste Company, Philadelphia, and Albert Schwartz, Isadore M. Engel, and Simon Sperberg, copartners, trading as Philco Rubber Company, Philco Rubber Sales Company, Philco Auto Supply, Philco Auto & Rubber Supply, and Philco Spark Plug Company, Washington, D. C., and Richmond, Va., were ordered to discontinue the unauthorized use of a well-known trade name in the sale and distribution of their merchandise.

The Commission finds that by labelling automobile inner tubes, spark plugs, and repair parts for tires and tubes with the designation "Philco" and by using the term "Philco" in their trade names, the respondents had represented to the purchasing public that their products were manufactured by the Philadelphia Storage Battery Company, a firm which for many years has manufactured radios and other electrical devices and had used the trade name "Philco" long before its adoption by the respondents.

Under the order, the respondents are prohibited from representing, directly or by inference, through the use of the trade name "Philco" or any colorable simulation thereof, or in any other manner, that merchandise manufactured by manufacturers other than the Philadelphia Storage Battery Company or its licensees, successors or assignees, are "Philco" products or are made by or under license from the Philadelphia Storage Battery Company. (3010)

Philco Auto Supply—See Philadelphia Rubber Waste Company.

Philco Auto & Rubber Supply—See Philadelphia Rubber Waste Company.

Philco Rubber Company—See Philadelphia Rubber Waste Company.

Philco Spark Plug Company—See Philadelphia Rubber Waste Company.

STIPULATIONS

The Commission has entered into the following stipulations:

Consumers Glue Company, St. Louis, Mo., engaged in the manufacture, sale and distribution of casein glue, entered into a stipulation to discontinue representations that its casein glue is "waterproof," when such is not the fact. (2497)

Hagen Import Company and its officers, H. E. Becker, Mrs. Anna Becker and Arthur K. Lueders, St. Paul, Minn., entered into a stipulation to discontinue false representations in the sale and distribution of medicinal products. (2495)

Howard Drug and Medicine Company, trading as Planter Medicine Company, Baltimore, entered into a stipulation to discontinue false representations in the sale and distribution of pills or tablets designated "Planter's Benedicta Tablets" and formerly known as "Planter's Monthly Regulating Pills."

Under the stipulation, the respondent agreed to cease representing directly or by implication that its preparation will correct all, or any, irregularities of the menses or monthly flow, or will make women's pains unnecessary, or that the use of its preparation will have any beneficial effect in such conditions other than as a purgative in cases of intestinal stasis. (2493)

Hudgins Fish Company, West Palm Beach, Fla., entered into a stipulation to discontinue misleading representations in the sale and distribution of food fish products.

The stipulation shows that the respondent advertised sea crayfish obtained off the coast of Florida as "Choice Southern Lobsters," "Fresh Picked Lobster Meat" and as "Lob. Meat," which product was then offered by retailers to the public as "Fresh Fancy Lobster Meat." The stipulation further indicates that the term "Lobster" has long been associated by the consuming public with the genus Homarus, the true American lobster found only along the coast from North Carolina to Labrador. (2494)

Lambert Pharmacal Company, St. Louis, manufacturer of "Listerine Antiseptic", has entered into a stipulation to cease and desist from representing by direct statement or by inference that all dandruff is due to an infection with Pityrosporon ovale or any other organism; that dandruff necessarily is a germ disease; that the dandruff germ has been isolated or identified; that the presence of Pityrosporon ovale necessarily means dandruff or that with its destruction dandruff disappears; that dandruff is necessarily infectious, contagious or "catching" or is in all instances passed from one person to another, or that any of the foregoing assertions have been proven by findings of scientists or otherwise, or is a "scientific fact" or a "fact definitely established by scientists".

It is also stipulated that the respondent desist from representing that the product either cures or permanently relieves dandruff; that the product "kills the dandruff germ", "attacks the cause of dandruff" or "gets at the cause" or "at the root of the trouble" or penetrates infected hair follicles or "annihilates" the dandruff germ; that the product frees the scalp and hair follicles of the parasite that saps their vitality or "spreads a germ-killing film over the scalp"; that the product has "marked curative properties due to certain ingredients in a unique combination shared by no other antiseptic"; that ordinary remedies "aren't even antiseptic", are "smelly", affect only surface symptoms, or merely remove surface symptoms temporarily, or that competitive products are obviously inferior to "Listerine Antiseptic" as a remedy for dandruff—when such are not the facts. (2502)

Planter Medicine Company—See Howard Drug & Medicine Company.

T. Riessner—George Lerch, trading as T. Riessner, New York, entered into a stipulation to discontinue the misbranding of bronze powder.

In the stipulation, the respondent agreed to cease labeling containers of bronze powder with the word "aluminum" either alone or in connection with the word "pure" or with the words "chemically pure" or any other words which would imply that the product is composed of aluminum or of pure aluminum or of chemically pure aluminum. (2492)

Seaboard Novelty Company—In a stipulation entered into, Ben Mermelstein, trading as Seaboard Novelty Company, 1909 Quentin Road, Brooklyn, N. Y., agreed to discontinue lottery methods in the sale and distribution of merchandise novelties to ultimate consumers.

Under the stipulation, the respondent is to cease supplying others with lottery devices which may enable such persons to dispose of or sell any merchandise, and to cease selling or disposing of any merchandise by the use of lottery devices. (2500)

William E. Wright & Sons Company, a New Jersey corporation, of West Warren, Mass., entered into a stipulation to discontinue false and misleading representations in the sale and distribution of seam bindings, including bias tapes, rickrack (braid), frillings and novelty trimmings.

Under the stipulation, the respondent agreed to cease using the word "Taffeta" to describe a product not composed of silk, or implying in any other way that the product referred to is composed of silk, when such is not the fact. If the word "Taffeta" is used properly to describe the type of construction of a rayon or celanese rayon fabric, the respondent shall cause the word "Taffeta" to be immediately accompanied by the word "rayon" or the words "celanese rayon" printed in equally conspicuous type so as to indicate clearly that the product is in fact rayon or celanese rayon. The respondent also agreed to cease representing a rayon or celanese rayon product as being something other than such rayon. (2496)

FCC Assignments For August

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF August
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Paul A. Walker
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Norman S. Case
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner T. A. M. Craven
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner George Henry Payne
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Frederick I. Thompson
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Thad H. Brown
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 32, August 11, 1939

New Sources of Music Sought, Independent of ASCAP

Sydney M. Kaye yesterday was engaged as special counsel to complete the drafting of final plans to develop new sources of music for the radio industry independent of ASCAP.

This announcement was made by Neville Miller, NAB president, following a two-day meeting of the NAB Copyright Committee in New York.

Mr. Kaye is regarded as one of the outstanding copyright lawyers in the nation. He is thoroughly conversant with broadcasting and its operating problems. He possesses a wide knowledge of the music publishing business and has extensive acquaintances throughout the music publishing world.

Mr. Kaye's appointment was the latest in a series of developments which followed the collapse of negotiations with ASCAP last week when John Paine, General Manager of the Society, told the NAB Committee that ASCAP had no proposal to make, and that Mr. Buck, its president, had departed on vacation without appointing a committee to negotiate with NAB.

Following this development, Mr. Miller and his committee called a special convention of the industry to be held in Chicago, September 15. The committee acted upon the direct mandate of the July NAB Convention, which empowered it to call an emergency meeting if it felt that the welfare of the industry was threatened by tolerating further delay in ASCAP negotiations.

Phonograph Record Fee Conferences

A special committee consisting of Neville Miller; John Elmer, WCBM, Baltimore, Maryland; and Clair McCollough, WGAL, Lancaster, Pennsylvania, met with representatives of the Victor Record Manufacturing Company, August 10, to discuss a plan proposed by the Victor Record Company for licensing radio stations to play their records. It is reported that the Victor Record Company has prepared contracts to be submitted to stations. However, they have agreed to meet again on August 22, in New York City, with a NAB committee. Neville Miller appointed the following committee to carry on negotiations with record manufacturers: Neville Miller, Chairman; John Elmer; Clair McCollough; John Shepard, 3rd, Yankee Network, Boston, Massachusetts; and Alexander Dannenbaum, Jr., WDAS, Philadelphia, Pennsylvania.

The committee of three mentioned above contacted the Decca Record Company and the Columbia Recording Company also on August 10 in regard to their plans for licensing radio stations to use their records. Both of these companies agreed

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NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

PHONOGRAPH RECORD FEE CONFERENCES

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to meet with the newly appointed committee at a later date.

Mr. Miller stated that final terms of the proposed RCA plan of the licensing arrangements had not yet been devised and probably would be consummated at the August 22 conference.

RCA TO DEMAND PAYMENT FOR USE OF RECORDS

The RCA Manufacturing Company, Inc., has sent the following letter to broadcasting stations, stating that it will demand payment for use of Victor and Bluebird records after October 1, 1939:

RCA MANUFACTURING COMPANY, INC.
Camden, N. J.

August 5, 1939.

Radio Station ———

GENTLEMEN:

Under date of January 4, 1938, we wrote to all broadcasting stations in connection with the use of our Victor and Bluebird phonograph records for radio broadcast purposes. Copy of the letter is enclosed herewith for your ready reference. In our letter we requested that stations which were using our records over the air arrange for prompt discontinuance of that practice. Following the sending of the letter a great many of the stations replied that they had a number of our records on hand and in some instances had made commitments to customers involving the use of such records. These stations asked for additional time within which to make the necessary changes.

Because we wished to be entirely fair and reasonable with the stations and because of the pendency of certain litigation which we believed would judicially determine our rights in the matter, we then issued to stations requesting it, written assurance that until further notice from us to the contrary we would not make their use of our records the basis of any claim against them.

The litigation referred to has now been determined and the court has held that the use of our phonograph records for radio broadcast purposes infringes our rights, constitutes unfair competition and may be enjoined by us (RCA Manufacturing Company, Inc. vs. W. B. O. Broadcasting Corporation, Elin, Inc., and Paul Whiteman, decided in the United States District Court for the Southern District of New York on July 24, 1939).

The use of our records for radio broadcast purposes has resulted in materially increasing our production costs. Musicians have made the practice one of the reasons for substantially increasing their charge to us for their services. Indiscriminate use of records over the air shortens the period during which the records are salable and deprives us of many potential customers. Certain of our recording artists have complained that they do not like it and in some instances have actually refused to make any additional records unless we could and would undertake to keep them off the air, thus depriving us of the opportunity to contract for the services of these artists.

In view of this situation we have concluded that we cannot continue to permit stations to use our phonograph records unless they are prepared to pay us reasonable compensation therefor and to abide by such reasonable regulations as may be necessary. We are therefore preparing a plan which will make available to the stations a majority of our Victor and Bluebird phonograph records. Details of this plan will be sent to you within the next few days so that you may study it and determine whether you wish to adopt it.

Pending announcement of the plan and so that you may have a further opportunity to determine what course you will wish to pursue in the matter, we now advise you that, effective October 1, 1939, all of the letters of assurance from time to time issued by us to radio broadcasting stations in connection with their use of our records for broadcasting purposes are withdrawn. This notice does not of course apply to our record programs "Music You Want," "Weekly Victor Record Review" and "RCA Victor Musical Clock," which programs are broadcast pursuant to the terms of special licenses heretofore issued to us.

With renewed assurances of our desire to cooperate with you at all times, we are,

Very truly yours,
RCA MANUFACTURING COMPANY, INC.
By W. W. EARLY, *Manager,*
Recording and Record Sales.

BROWN DISCUSSES CENSORSHIP

Commissioner Thad H. Brown of the FCC made the following remarks about government censorship of broadcasting at the closing session of the conference on the use of radio for the public welfare at Harvard University on August 4:

I deem it a high honor and a distinct privilege to address this concluding session of the Conference on the Use of Radio for the Public Welfare at the Harvard Summer School. I speak to you tonight as one who has had over twelve years of experience in radio broadcasting, first as President and General Manager of a broadcasting station in the city of Cleveland, Ohio; then in 1929 as General Counsel and later as a member and Vice Chairman of the Federal Radio Commission; and for the past five years as a member of the Federal Communications Commission. I am giving you my own philosophy on the regulation of broadcasting in the public interest, and am not in any way speaking for the Commission of which I am a member.

In reviewing the scope of this Conference I was impressed with the seriousness and the comprehensiveness with which you have set about to examine the American broadcasting system. It would be difficult to over-estimate the role which radio broadcasting plays in educational and social affairs and the contribution it makes to American culture.

The problems which you have been considering are each and every one influenced by the trend which the regulation of broadcasting takes. It will be my purpose tonight to discuss with you some of the underlying principles of regulation of communications and to sketch briefly the accomplishments of Federal regulation in this important field.

It would be a mistake to assume at the outset that the regulatory problems of communication are really new, or that they require an abrupt break with the past. Our accomplishments of the present rest upon the tremendous progress of the past, and, here as elsewhere, it has been our experience that each advance instead of tending to reduce the possibilities seems to increase them. I venture the statement that there is no more pressing problem in the whole fabric of our civilization than the extent to which we shall control the avenues of communication between human minds. Wise and judicious control of this socializing instrument is imperative. Indeed, it is the measure of difference between our own free democratic system and the varying types of totalitarian governments observed abroad.

Constitutional guarantees of freedom of speech are to be guarded as carefully as our precious freedom of the press. Our present system of Federal regulation of communication rests upon the preservation of that ideal. It is a striking contrast to the regulations imposed upon the press during its early history. The press, you will recall, was born to a license system which persevered under the Tudors and the Stuarts in England. Statutes of Parliament and the Ordinances of the Star Chamber regulated the manner of printing, the number of presses throughout the kingdom, and prohibited all printing against the force and meaning of any of the laws of the realm.

Broadcasting, and other types of radio communication in the United States, were born to a system of licensing conceived in a far different spirit. All Federal regulation has been designed to protect our sacred constitutional guarantees so that there is full freedom of speech in America. I wish to take this occasion tonight to reaffirm emphatically this principle and to outline the definite prohibitions against any type of censorship contained in the basic regulatory acts. But, first, let me review briefly the history of radio regulation in the United States.

Federal regulation of communications in the United States may be said to have had its beginning with the passage by Congress in 1866 of the Post Roads Act. The first Federal statute relating to radio communication, however, was the Wireless Ship Act of June 24, 1910, relating to the safety of life and property at sea. This Act was amended in 1912 to expand regulation of communication and in order to enable the United States to carry out its treaty obligations under the Berlin Convention. Even before the outbreak of the World War directed increased attention to radio communication the Act of 1912 was attacked, foreshadowing the ultimate breakdown of the law.

The Secretary of Commerce, who administered the law at that time, suspected German ownership of an American station and submitted to the Attorney General the question whether, under the 1912 Act, he had authority to refuse the license on this ground. The Attorney General replied that he did not, the Act reposing in him no discretionary power in the matter of issuing licenses if the applicant came within the class to which licenses were authorized to be issued.

Up to 1921 the only use for radio had been for point-to-point communication services. Few applications for broadcasting licenses were made in these early years, but as the technique improved, broadcasting grew apace and by 1923 there were several hundred stations trying to operate simultaneously on two frequencies. Utter chaos resulted.

It was in February 1927 that the Congress enacted the Federal Radio Act, predicating it upon the theory that radio communication is interstate commerce, and that Congress has the power, under Article I, Section 8, Clause 3 of the Constitution, to regulate commerce with foreign nations and among the several states. Thus did the Federal Radio Commission come into being.

This Commission continued its performance of the duties placed upon it by the Congress until the establishment of the Federal Communications Commission under the Communications Act of 1934. Congress clearly set forth the purposes of the Act when it declared that the Commission was created to regulate "interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication."

The communications industry in the United States, which is the subject of this regulation, is a vast one, with over six billion dollars invested in the various companies controlling telephone, telegraph and radio broadcasting. Recent statistics show that there are over 40,800,000 radio sets in the United States today, with 28,000,000 homes equipped with radios as of January 1, 1939. Over 88 million miles of telephone wires span our country, with over two million miles of telegraph wires serving that medium of communication.

Time does not permit us to touch upon the complex regulatory problems facing the Commission in the telephone and telegraph fields nor to consider the various phases of radio regulation other than broadcasting. However, I would not leave you under the impression that broadcasting is the only use of radio today. Indeed, broadcasting is but one of 27 services of radio.

We are familiar with some of the more common uses of radio in connection with telegraph and telephone to foreign countries, as well as with the amateur and maritime services. In the field of aviation radio has become indispensable, and as a method of increased public safety police radios are now in operation in nearly every city. Again, radio is used in the transmission of news to newspapers by what is known as a multiple address radio telegraph service. There are, of course, many lesser known uses of radio in the experimental services, including television and facsimile. The Commission has outstanding over 55,000 station licenses for its various services.

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The controlling principles governing radio in the United States are expressed clearly in the opening section of Title III of the Communications Act of 1934, which language was taken from the Radio Act of 1927. It reads as follows: "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license."

A further expression of the legislative standards laid down by the Congress is found in the Act, which says that, "The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act."

It is a little understood, but nonetheless interesting, fact that neither the Federal Radio Commission nor the Federal Communications Commission have ever exercised their *legislative* power outlining program service and standards for the operation of radio broadcasting. Both Commissions have exercised their *judicial* power in individual cases with reference to programs which have already been broadcast.

The Commission is charged with being indefinite and vague with regard to those things which constitute sufficient grounds for a finding that a station is not serving public interest, convenience and necessity. It is not always possible to be definite and specific. I am reminded of the situation which former President Woodrow Wilson faced when he made his statement that the United States would declare war on Germany only when Germany committed some overt act violating the neutrality of the United States. When asked what he meant by "an overt act," he said, frankly, that he could not define it but that he would recognize it when he saw it.

However, the Commission has been more definite with regard to what it considers to be in the public interest. Already in the Great Lakes Broadcasting Company case, decided in 1928, the Commission said, "Insofar as a program consists of discussion of public questions, public interest requires ample play for the free and fair competition of opposing views * * *. * * * the tastes, needs and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussion of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place."

The test of "public interest, convenience or necessity" contained in the Act provides ample authority for examination of broadcast programs by the Commission in passing upon license applications.

Both the Radio Act of 1927 and the Communications Act of 1934 contain definite prohibitions against censorship. Congress has clearly stated that, "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

Congress has only qualified this with the further prohibition that, "No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication." This section is clearly within the spirit and letter of the first amendment to the United States Constitution which provides that, "Congress shall make no law * * * abridging the freedom of speech * * *."

Judge Cooley has admirably expressed the full purport of this section of the Bill of Rights in his "Treatise on Constitutional Limitations" where he says: "The constitutional liberty of speech and of the press, as we understand it, implies a right to freely utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obescenity, or scandalous character, may be a public offense, or as by their falsehood and malice they may injuriously affect the standing, reputation or pecuniary interests of individuals."

It is appropriate here to examine the decided cases in which the question of censorship has been alleged. The Commission denied an application for renewal of license of Station KFKB at Milford, Kansas, operated by Dr. J. R. Brinkley, on the ground that a review of its past operation convinced the Commission that the future operation of this station would not serve public interest, convenience and necessity. The station appealed from this denial, asserting that the Commission's decision constituted a violation of the Radio Act in that it was censorship.

The Court of Appeals for the District of Columbia sustained the Commission saying, "In considering an application for a renewal of the license an important consideration is the past conduct of the applicant for 'by their fruits ye shall know them'. Matt. VII:20. Especially is this true in a case like the present, where the evidence clearly justifies the conclusion that the future conduct of the station will not differ from the past. * * *

"Appellant contends that the attitude of the Commission amounts to a censorship of the station * * *. The contention is without merit. There has been no attempt on the part of the Commission to subject any part of appellant's broadcasting matter to scrutiny prior to its release. In considering the question whether the public interest, convenience or necessity will be served by a renewal of appellant's license, the Commission has merely exercised its undoubted right to take note of appellant's past conduct, which is not censorship. * * *"

In enforcing the provisions regarding obscene, indecent or profane language by means of radio communication, the first conviction was had in the District Court of the United States for the District of Oregon. The defendant, Robert Duncan, known as the "Oregon Wild Cat," was accused of willfully and feloniously uttering obscene, indecent and profane language over Station KVEP, Portland, Oregon. On appeal to the United States Circuit Court for the Ninth Circuit the conviction was affirmed and the defendant was given a $500 fine and imprisonment for six months. The Supreme Court of the United States refused certiorari. The Commission, in a consideration of the application of the station for a renewal of its license, after a hearing, denied it, holding that the public interest was not served by such broadcasts.

I should like to refer now to the case of Trinity Methodist Church, South which raised the issue of free speech, implicit in all cases where licenses are refused because of character of programs. An application for a renewal of its license was made by the Church, licensee of a broadcast station in Los Angeles, California, devoted chiefly to programs furnished by religious, philanthropic, educational and musical organizations. For three hours each week, Reverend Shuler, militant pastor of the Church, used the facilities of the station to broadcast alleged unbridled attacks upon other religious groups, judges, and other public officials and various independent organizations. He was twice found in contempt of court for his radio comments upon pending litigation.

The Commission in considering the application of this station for a renewal of its license, being unable to determine that the public interest, convenience and necessity would be served by the continued operation of it, set the application for hearing as required by law. After a full and complete hearing, held in the City of Los Angeles, the application was denied.

The applicant then appealed to the Court of Appeals for the District of Columbia, claiming that the action of the Commission constituted censorship and that Reverend Shuler had been deprived of his constitutional rights of freedom of speech. The court, in considering the case, stated that, "the evidence abundantly sustains the conclusion of the Commission that the continuance of the broadcasting programs of the appellant is not in the public interest."

In a prior case, in a proceeding for contempt against Reverend Shuler, he appealed to the Supreme Court of the State of California and that court stated, "that the broadcast utterances of Doctor Shuler disclosed throughout the determination on his part to impose on the trial courts his own will and views with respect to certain causes then pending or on trial and amounted to contempt of court. Appellant, not satisfied with attacking the judges of the courts in cases then pending before them, attacked the bar association for its activities in recommending judges, charging it with ulterior and sinister purposes. With no more justification, he charged particular judges with sundry immoral acts. He made defamatory statements against the board of health. * * * He alluded slightingly to the Jews as a race, and made frequent and bitter attacks on the Roman Catholic religion and its relations to government. However inspired Doctor Shuler may have been by what he regarded as patriotic zeal, however sincere in denouncing conditions he did not approve, it is manifest, we think, that it is not narrowing the ordinary conception of 'public interest' in declaring his broadcasts—without facts to sustain or to justify them—not within that term, and since that is the test the Commission is required to apply, we think it was its duty in considering the application for renewal to take notice of appellant's conduct in his previous use of the permit, and, in the circumstances, the refusal, we think, was neither arbitrary nor capricious."

In its decision in this case the Court of Appeals for the District of Columbia stated, "If it be considered that one in possession of a permit to broadcast in interstate commerce may, without let or hindrance from any source, use these facilities, reaching out, as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distrust and civic discord, or offend youth and innocence by the free use of words suggestive of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the Nation a theater for the display of individual passions and the collision of personal interests. This is neither censorship nor previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment, or an impairment of their free exercise. Appellant may continue to indulge his strictures upon the characters of men in public office. He may just as freely as ever criticize religious practices of which he does not approve. He may even indulge private malice or personal slander—subject, of course, to be required to answer for the abuse thereof—but he may not, as we think, demand, of right, the continued use of an instrumentality of commerce for such purposes, or any other, except in subordination to all reasonable rules and regulations Congress, acting through the Commission, may prescribe." An attempt was made to have the Supreme Court of the United States review this case on certiorari, which was denied.

It has been almost the constant plaint of the broadcaster that talk of censorship results from the short broadcast license period. The Communications Act of 1934 gives the Commission authority to grant broadcast licenses for a period not to exceed three years. As early as December 21, 1934, I proposed the extension of the broadcast license period from the six-month license, which was standard at that time, to twelve months. However, on June twenty-third of this year the Commission adopted rules and regulations governing standard broadcast stations with the license period extended to one year. This provision should be an effective indication of the Commission's desire to demonstrate its lack of even slight intention to exercise any degree of censorship.

In my estimation there need be no inevitable conflict between the censorship provision of the law and the Commission's established policy of interpreting public interest, convenience and necessity broadly enough to include consideration of program service. Unless Commission regulation goes beyond mere supervision of technical operations there can be no effective regulation in the public interest.

The question of censorship of radio broadcasting continues to be one of the most discussed topics today, but censorship of broadcasting or any such control which would seek to bring it about, is abhorrent to the finest of American social instincts.

Our press is free, and its strongest form of censorship, it is freely admitted, is native in the press itself and promoted by a rigid enforcement of its fairly drawn code of ethics. Telephone and telegraph have not been throttled by censorship.

The very nature of broadcasting requires that these channels of thought shall be open to all matters of public interest, regardless of race, creed, color or political party. Emerson has expressed the importance of this concept when he says, "The revelation of thought takes man out of servitude into freedom."

Broadcasting in the public interest must, of necessity, enlarge freedom of thought, of opinion, and of democratic action. It must not and can not become the tool of autocracy and dictatorship. Freedom of speech and freedom of the press, which are inseparable, constitute our greatest bulwark against subversive influences.

During my years of service as a member of two Commissions regulating broadcasting under two administrations—one, Republican, and the other, Democratic—I can say without hesitation or reservation that at no time during this entire period has there been even the slightest attempt made to exercise any degree of censorship.

Your speaker, as Acting Chairman of the Commission, on June nineteenth of this year, before a Congressional committee, in answer to a question as to whether the Commission, either domestically or internationally, considers that it has the right and should exercise the power of censorship over programs, stated: "Speaking for the Commission, I am sure that every member of the Commission does not consider that it has any right of censorship either domestically or internationally. The statute definitely prohibits censorship."

Broadcasting stations and their managers sometimes state, when they do not want to take a certain program, that it is barred by the Federal Communications Commission, when, as a matter of fact, they merely want an excuse for not using that particular material. The Commission has issued no instructions or regulations and can not and does not require stations to accept any and all programs offered to them. Under the Act, broadcast stations are not deemed to be common carriers. Inasmuch as stations have the responsibility for selecting the program material to be used, they are within their rights in refusing programs if they choose, but they are not justified in asserting that the rejection is based upon any direction of the Commission.

Your speaker, again as Acting Chairman of the Commission, at the opening of a hearing on July fourteenth on a petition of The American Civil Liberties Union for revision, amendment or modification of the Commission's rules and regulations governing international broadcast stations, stated that, "the applicable provisions of the Communications Act of 1934, as amended, require that licenses be issued to serve the public interest, convenience or necessity. To comply with this statutory mandate, the Commission is required before it may issue a license or assign any frequency for any particular service to define the purpose and objective for such service in such a way that the public interest, convenience or necessity will be served by the station licensed to operate on frequencies assigned to this service. This is true whether the service be international broadcast service, telephone or telegraph service, domestic broadcast service, police service, aviation service or any of the other various classes of radio service authorized by the Commission. * * *

"It can not be emphasized too strongly that the Commission has no desire, purpose or intention of setting itself up as a board of censorship, and that it does not and will not exercise any such jurisdiction."

Thus in the national and international broadcast fields, it is clear that the Commission has not and can not exercise any censorship. The voice that speaks in America must be the voice of free men and not the voice of despots. The Commission and the broadcaster serve public interest when they cooperate to maintain our free institutions and to develop radio as an instrument of real public service. The Constitution guarantees to all of us the right of freedom of speech, and Congress, in enacting the Communications Act of 1934, provided specifically that there should be no censorship in broadcasting. It is the solemn duty of the Commission to safeguard that sacred right.

STRINGER ADDED TO NAB STAFF

With a view of enlarging the industry-wide promotion of broadcasting, Neville Miller, President, announces the addition of Arthur Stringer, promotion specialist, to the Headquarters Staff. Mr. Stringer will be assigned to the Public Relations Department and will report to its director, Ed Kirby.

Mr. Stringer, a resident of Chicago, has had a long and extensive career in radio promotion. He began work as a member of the Advertising Department of the Chicago Tribune. He was at one time Associate Director of Gorgas Memorial Institute. In 1926 he became Publicity Director for the first New York and Chicago Radio Shows and during their existence was a leading factor in their successful exploitation. For a short period, he was engaged for special promotional work by WLW-WSAI. In recent years he has engaged in private consulting promotional work. He brings Headquarters an extensive acquaintance and experience in the radio field. He is a graduate of the University of Michigan.

Plans for the "curtain-raiser promotion on the new fall programs will proceed at once. Cooperation of stations, networks and all radio advertisers will be sought.

FCC APPROVES ATTORNEYS

Applications for the following attorneys to practice before the Commission, approved by the Bar Committee on August 3, were approved by the Commission today:

David Diamond, Buffalo, N. Y.; Frank M. Fish, Evansville, Ind.; Fred C. Maloney, Buffalo, N. Y.; Harold F. McGuire, Washington, D. C.; Leo A. McNamee, Las Vegas, Nevada; Rush H. Limbaugh, Cape Girardeau, Mo.; Harvey S. Reynolds, Providence, R. I.; William T. Welch, Portland, Ore.

FEDERAL LEGISLATION

The status of all bills and resolutions affecting broadcasting which were introduced in Congress during the session just ended is given below. All these bills and resolutions in their present status will still be before Congress when it reconvenes next January.

HOUSE BILLS

H. R. 94 (Mr. Maloney, La.) PAID TESTIMONIALS—To require announcement of paid "recommendations" (testimonials), if any, at time of broadcast. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 251 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 252 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines "alcoholic beverage" as including "beer, ale, wine, gin, whiskey, or brandy." Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 253 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 924 (Mr. Culkin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to "alcoholic beverages" and is not limited to "intoxicating liquor." Referred to the Interstate and Foreign Commerce Committee. No action.

H. R. 926 (Mr. Daly, Penna.) COPYRIGHTS—To amend and consolidate acts respecting copyright, including the creation of a copyright in recording artists for renditions reproduced on phonograph records, disks, sound tracks, or any other substances. Referred to Patents Committee. No action.

H. R. 1651 (Mr. Dickstein, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee. No action.

H. R. 1964 (Mr. Lucy, Mass.) COPYRIGHTS—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted. Same as S. 547. Referred to Patents Committee. No action.

H. R. 2721 (Mr. Celler, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio broadcasting station in vicinity of Washington by Secretary of the Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee. No action.

H. R. 2981 (Mr. Celler, N. Y.) LIBEL—SLANDER—Exempts station from liability for libel or slander when station proves the exercise of due care to prevent the utterance of such statements. Referred to Judiciary Committee. No action.

H. R. 3582 (Mr. Flannery, Penna.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committee. Superseded by H. R. 5985. No action.

H. R. 3752 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To amend Section 303 (1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4224 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4433 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to Committee on Patents. Hearing held. Superseded by H. R. 5319. No action.

H. R. 4684 (Mr. McLeod, Mich.) COMMUNICATIONS ACT—To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4871 (Mr. Daly, Penna.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents. No action.

H. R. 5319 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents. No action.

H. R. 5435 (Mrs. Norton, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making $200 or more a month, et al. Reported to House.

H. R. 5508 (Mr. Peterson, Florida) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 5791 (Mr. Schulte, Ind.) COMMUNICATIONS—To prohibit recording for profit or gain any program without consent in writing of the performers. To Interstate and Foreign Commerce Committee. No action.

H. R. 5985 (Mr. Flannery, Pa.) ADVERTISING—To require announcement of place of origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6160 (Mr. McGranery, D.-Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents. No action.

H. R. 6219 (Mr. Doughton, D.-N. C.) ALCOHOLIC BEVERAGES—To amend the Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means. No action.

H. R. 6243 (Mr. Moser, D.-Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. To Committee on Patents. No action.

H. R. 6695 (Mr. McGranery, D.-Pa.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6973 (Mr. Lea, Calif.) GOVERNMENT RADIO STATIONS—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed $30,000. Referred to Committee on Interstate and Foreign Commerce. Same as S. 2611. No action.

H. R. 7035 (Mr. Hobbs, D.-Ala.) ANTITRUST LAWS—To amend Sec. 8 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and to provide additional civil remedies against violations. Referred to Judiciary Committee. No action.

H. R. 7188 (Mr. Cochran, D.-Mo.) COMMUNICATIONS ACT—To abrogate FCC Rule 42.03(a), adopted by FCC May 23, 1939, requiring international broadcast stations to limit programs to those which reflect the culture of the United States and promote international goodwill, understanding and cooperation, and to prohibit FCC adopting any similar rule. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 7192 (Mr. Fay, D.-N. Y.) PATENTS—To provide for the compulsory granting of licenses under patents which are brought by competitors within a single control in order to dominate an industry. Referred to Patents Committee. No action.

H. R. 7456 (Mr. Kennedy, D.-N. Y.—COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents. No action.

HOUSE RESOLUTIONS

H. Res. 70 (Mr. Connery, Mass.) FCC INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee. No action.

H. Res. 72 (Mr. Wigglesworth, Mass.) BROADCASTING AND FCC INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Rules Committee. No action.

H. Res. 234 (Mr. Larrabee, D.-Ind.) FCC—To authorize the FCC to take steps to provide an adequate method to obtain data and other factual information and material necessary to determine the effects of power in excess of fifty kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than fifty kilowatts for such experimental operation as may be necessary. Referred to Interstate and Foreign Commerce. No action.

HOUSE JOINT RESOLUTIONS

H. J. Res. 149 (Mr. Sirovich, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee. No action.

SENATE BILLS

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee. Hearings held. Reported to Senate.

S. 547 (Sen. Lodge, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee. Passed by Senate.

S. 550 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303 (1). A corrected bill will be introduced. No action.

S. 575 (Sen. Capper, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee. No action.

S. 594 (Sen. Reynolds, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee. No action.

S. 635 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on "non-profit basis of public, social, political, and economic problems, and for educational purposes." Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee. No action.

S. 636 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT —To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee. No action.

S. 637 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT —To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee. No action.

S. 1095 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. No action.

S. 1268 (Sen. Wheeler, Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee. No action.

S. 1520 (Sen. White, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. Referred to Committee on Interstate Commerce. No action.

S. 2058 (Nye, N. D.) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to Committee on Post Offices and Post Roads. No action.

S. 2251 (Chavez, N. M.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency stations to broadcast programs to all nations in Western Hemisphere; to appropriate 3 million dollars for construction purposes and one hundred thousand dollars for operative expense during year ending June 30, 1940. To Committee on Foreign Relations. No action.

S. 2466 (Sheppard, D.-Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce. No action.

S. 2611 (Wheeler, Mont.) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed $30,000. To Committee on Interstate Commerce. Passed by Senate.

S. 2689 (Bone, D.-Wash.) COPYRIGHT—To amend Sec. 33 of Copyright Act with respect to rules covering importation of copyrighted items. To Committee on Patents. Passed by Senate.

S. 2719 (O'Mahoney, D.-Wyo.) ANTITRUST LAWS—Same as H. R. 7035. To Committee on Judiciary. No action.

S. 2846 (Wheeler, D.-Mont.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. To Committee on Patents. No action.

SENATE RESOLUTION

S. Res. 94 (White, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the FCC with respect to censorship of communications, ownership of broadcasting stations and other matters. To Interstate Commerce Committee. No action.

THE AMERICAN FAMILY ROBINSON

In the June 16th issue of NAB Reports reference was made to information concerning the American Family Robinson programs of the National Association of Manufacturers. Since then the following statement concerning the programs has been received from the N.A.M.:

"It cannot be over-emphasized that the American Family Robinson program or any other program offered by the National Association of Manufacturers is not 'anti-' anything or anybody. The programs are, as are naturally other activities of the Association, 'pro-business', based on our conviction and recognition by the public generally that the United States is an industrial nation which has reached its world superiority as the result of the development of and by industry. This being the case and with industrial recovery a prime essential to the continuance of our way of life, we feel it to be our duty to emphasize to the American people constantly the fundamentals of the industrial system which is so typically American and which has built the high standards of living enjoyed by Americans. In this same connection, it is the avowed purpose of the American Family Robinson program to present openly, and as effectively and attractively as radio will permit, the fundamental principle that freedom of speech and of the press, freedom of religion and freedom of enterprise are inseparable and must continue to be if the system of democratic government under which this country has flourished is to be preserved. That principle we hold not to be controversial in this of all countries.

"There are, of course, some who would challenge that traditional American principle. We believe the existence of such doubts in this country at such a critical time in the world's history and in the face of the tragic fate which has befallen human liberties under other systems justifies the National Association of Manufacturers in taking the issue to the people through whatever facilities, including the radio, are available."

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF THE COMMISSION

The Federal Communications Commission adopted its Final Order (No. B-25), granting the application of W. O. Pape, tr/as Pape Broadcasting Company, (WALA), **Mobile, Alabama,** for a construction permit to change transmitter site locally, install vertical radiator and increase its nighttime power from 500 watts to 1 KW.

Proposed Findings in this matter were made and entered June 21, 1939, and no exceptions have been filed nor request for oral argument.

The Commission announced its Final Order (No. B-21), granting the application of Mariannina C. Iraci, Administratrix (transferor), and Arde Bulova (transferee), for consent to transfer control of William Penn Broadcasting Company, licensee of station WPEN, **Philadelphia, Pa.** Station operates on **920 kc.** with 1 KW power, unlimited time, using directional antenna at night.

The Order in this case will become effective August 9, 1939.

The Commission en banc adopted an order directing John H. Stenger, Jr., licensee of WBAX, **Wilkes-Barre, Pa.,** to show cause why license of station should not be revoked, because of circumstances in re management and control of station.

PROPOSED FINDINGS OF FACT

The Federal Communications Commission August 8, announced its Proposed Findings of Facts and Conclusions (No. B-62), proposing to deny the application of

Florida Broadcasting Company (WMBR), **Jacksonville, Florida,** for authority to change frequency from **1370** to **1120 kc.,** increase power from 100 watts night and 250 watts day to 500 watts night and 1 KW day, on an unlimited time basis, and move the transmitter locally, using a directional antenna at night.

The Commission's Proposed Conclusions based upon its proposed findings, are as follows:

1. That the operation of Station WMBR on the requested assignment would be so limited during the nighttime operation that, while its service would be extended to increased areas, the increase in population served would be comparatively small; and a consistent interference-free service could not be rendered to the beach areas, which appears to be one of the objectives of the application.

Under the allocation plan of the Commission, regional stations are designed to serve a metropolitan district and large rural areas adjacent; a regional assignment should provide a service distinct from that provided by local stations. In this instance the applicant will not render the service to be expected of a regional assignment.

2. The granting of the application will not serve public interest, convenience or necessity.

All parties will have opportunity to file exceptions within 20 days and thereafter to request oral argument on the proposed report and exceptions.

The Commission August 8, announced its Proposed Findings of Facts and Conclusions (No. B-73), proposing to grant the application of WJMS, Inc., **Ashland, Kentucky,** for authority to construct a new station to operate on **1370 kc.,** with power of 100 watts, unlimited time.

The Commission's proposed conclusions based upon its proposed findings, are as follows:

1. No objectionable interference will result to Station WSAU and WHLS by the operation of the proposed station.

2. Upon consideration of all the facts of record as to the application of WJMS, Inc., for a construction permit, the Commission concludes that public interest, convenience and necessity will be served by a grant of said application, subject to the following conditions:

(a) That the applicant herein shall, within a period of 30 days from the effective date of the Commission's final order, furnish the Commission with satisfactory proof of its authority to issue the capital stock proposed to be issued and to do business in the State of Wisconsin; and

(b) That if a construction permit be subsequently issued to the applicant, upon compliance with the above conditions, said permittee shall, within three months after the effective date of this order, file an application for modification of construction permit, specifying the exact transmitter location and complete radiating system. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor.

All parties will have opportunity to file exceptions within 20 days and thereafter to request oral argument on the proposed report and exceptions.

The Commission August 8, announced its Proposed Findings of Fact and Conclusions (No. B-68), proposing to deny the applications of Northside Broadcasting Corporation (WGRC), **New Albany, Ind.,** for a change of operating assignment to change frequency from **1370 kc.** to **880 kc.,** with power of 250 watts unlimited time, using directional antenna at night, instead of 250 watts daytime only, as now operating; and the application of The Gateway Broadcasting Company, Louisville, Ky., for a new station to operate on **880 kc.** with 500 watts, unlimited time.

The Commission's proposed conclusions, based upon its proposed findings, are as follows:

1. Station WGRC and the station proposed by The Gateway Broadcasting Company, operating as proposed, would be limited at night to the approximate 5 or 5.2 millivolt per meter contour, and would not render primary service day and night to the entire metropolitan district of Louisville. Under the allocation practice of the Commission it appears, and the Commission finds, that a grant of these applications, or either of them, would not be in accordance with the proper allocation of regional frequencies and good engineering practice, and would not be in the public interest.

All parties will have opportunity to file exceptions within 20 days and thereafter to request oral argument on the proposed report and exceptions.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Wednesday, August 16

Broadcast

Hearing to Be Held Before Commissioner George H. Payne in the Federal Court Room, Bellingham, Washington

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

Monday, September 25

During the week the Commission has announced the following tentative dates for future broadcast hearings and oral arguments. They are subject to change.

NEW—Union Broadcasting Co., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unliimted time.

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—C. P., **1420 kc.,** 100 watts, specified hours.

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.,** 100 watts, specified hours.

Tuesday, October 24

NEW—C. L. Weathersbee, W. H. Nichols, C. L. Pickler, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—C. P., **1370 kc.,** 100 watts, daytime.

Wednesday, October 25

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—C. P., **560 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

Monday, October 30

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., **1360 kc.,** 1 KW, unlimited time. Present assignment: **1360 kc.,** 500 watts, 1 KW LS, unlimited time.

Monday, November 13

NEW—Richard T. Sampson, Riverside, Calif.—C. P., **1390 kc.,** 250 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

NEW—Hot Springs Broadcasting Co., Hot Springs, Ark.—Adopted an amended order in this case, as the original order failed to include the necessary conditions upon which the grant was made.

KTEM—Bell Broadcasting Co., Temple, Tex.—Effective date of Commission's order in re application of KTEM for full time operation was extended to August 8, 1939. (Action taken 8-2-39.)

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate with DA during daytime for a period of 2 days on the frequency **1450 kc.,** with power of 1 KW, in order to measure station's 2½ millivolt contour.

KGW—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to do TC broadcast on August 6 from Tillamock Rock Light, Oregon, received at Tonguepoint, Ore., involving use of U. S. Lighthouse Service radio link from lighthouse to Tonguepoint, on **3410 kc.,** 50 watts, call letters KCBO, transmitter USLHS Type 319.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate unlimited time on August 7 and 8, in order to broadcast political talks and election returns.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with KBST from (local sunset, August 6:45 p. m., MST) to 10 p. m., MST, on August 8, in order to broadcast activities relative to observance of station KWEW's anniversary.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, using DA, for the period August 13 to September 11, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.** or reduces power so additional interference is not involved, or until defective directional system is corrected.

WABD—Central New York Broadcasting Corp., Portable-Mobile. —Granted special temporary authority to operate a high frequency relay station on the frequencies **31220, 35620, 37020, 39260 kc.,** with power of 12 watts, A3 Emission, for the period August 8 to August 13, in order to broadcast description of Eastern Amateur Golf Championship matches.

WABE—Central New York Broadcasting Corp., Portable-Mobile. —Granted special temporary authority to operate low frequency relay station on frequencies **1606, 2022, 2102, 2758 kc.,** with power of 12 watts, A3 emission, for the period August 8 to 13, in order to broadcast a description of the Eastern Amateur Golf Championship matches.

W2XDA—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test high frequency broadcast equipment of Station W2XDA on frequencies **39420, 39460, 39500** and **39540 kc.,** 50 watts, for a period not to exceed 30 days, for the purpose of conducting amplitude and frequency modulated experimental transmissions on these frequencies.

W2XOY—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test high frequency broadcast equipment of Station W2XOY on frequencies **39420, 39460, 39500** and **39540 kc.,** 150 watts, for a period not to exceed 30 days, for the purpose of conducting amplitude and frequency modulated experimental transmissions on these frequencies.

WMI—Lorain County Radio Corp., Lorain, Ohio.—Granted special temporary authority to communicate with steamer Ralph H. Watson on frequency **4282.5 kc.,** on "unlimited" basis, for period of 10 days. (Action taken August 4.)

WNUE—Lorain County Radio Corp., Steamer Ralph H. Watson.—Granted special temporary authority to communicate with station WMI, Lorain, Ohio, on frequency **4422.5 kc.,** on "unlimited" basis, for a period of 10 days. (Action taken August 4.)

NEW—Thomas J. Watson, Endicott, N. Y.—Granted petition to intervene in the matter of the application of WSPR, Springfield, Mass., for modification of license which is designated for hearing on September 26.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Dismissed without prejudice the application of applicant for C. P. to move transmitter, increase power, and install new vertical radiator.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Dismissed without prejudice application of WXYZ for C. P. to operate with 5 KW day and night.

WARN—Aeronautical Radio, Inc., Montgomery, Ala.—Granted exemption from continuous hours of operation of airport station, and in lieu thereof shall maintain a listening watch and be prepared to render service during continuous hours, except on Sunday, between the hours of 7 a. m. to 2 p. m., CST, and at such other times as may be specifically requested by aircraft desiring to use facilities of that airport. The Commission's order of July 5, 1939, exempting station from continuous hours of service, was revoked.

KNFE—City of Duluth, Minn.—Police Department.—Granted modification of C. P. authorizing commencement date as 7-21-39 and completion date as 12-10-39, in re 5 mobile units.

The Commission en banc today took the following action:

NEW—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Granted C. P. for new station to operate on frequency **1200 kc.,** 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn. —Granted C. P. for new high frequency broadcast station to operate on frequency **43200 kc.,** experimentally, conditionally, with 1 KW power, unlimited time.

WMBI—Moody Bible Institute Radio Station, Chicago, Ill.—Granted voluntary assignment of license of station WMBI from The Moody Bible Institute Radio Station to The Moody Bible Institute of Chicago.

NEW—WOKO, Inc., Albany, N. Y.—Granted C. P. for new facsimile broadcast station to operate on frequency **25050 kc.,** conditionally, 500 watts.

KNOW—Frontier Broadcasting Co., Inc., Austin, Tex.—Granted C. P. to move transmitter site locally, the exact site to be determined with Commission's approval; install new equipment, and increase day power from 100 watts to 250 watts.

WOKO—WOKO, Inc., Albany, N. Y.—Granted special experimental authority to operate broadcast transmitter to transmit facsimile signals experimentally from 2 to 5 a. m., EST, using 500 watts power on frequency **1430 kc.,** for the period ending November 1, 1939.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted C. P. to install new equipment, make changes in directional antenna system, and increase day power from 1 KW to 5 KW.

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of license to use frequency **25600 kc.** in addition to the now authorized frequencies of **11730** and **15130 kc.**

W2XH—General Electric Co., Schenectady, N. Y.—Granted modification of license for change in frequencies from **42000-56000 kc.** to **288000-294000 kc.**

WSAV—Arthur Lucas, Savannah, Ga.—Granted voluntary assignment of C. P. to WSAV, Inc. The C. P. is for a new station to operate on **1310 kc.,** 100 watts, unlimited time.

WHAI—John W. Haigis, Greenfield, Mass.—Granted modification of license to increase night power from 100 watts to 250 watts.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted modification of license to increase night power from 100 watts to 250 watts.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted modification of license to increase night power from 100 watts to 250 watts.

WBLK—The Exponent Co., Clarksburg, W. Va.—Granted modification of license to increase night power from 100 watts to 250 watts.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted modification of license to increase night power from 100 watts to 250 watts.

WACO—Frontier Broadcasting Co., Inc., Waco, Texas.—Granted modification of license to increase night power from 100 watts to 250 watts.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted modification of license to increase night power from 100 watts to 250 watts.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of license to increase night power from 100 watts to 250 watts.

WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of license to increase night power from 100 watts to 250 watts.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted modification of license to increase night power from 100 watts to 250 watts.

WCLO—Gazette Printing Co., Janesville, Wis.—Granted modification of license to increase night power from 100 watts to 250 watts.

WSBC—WSBC, Inc., Chicago, Ill.—Granted modification of license to increase night power from 100 watts to 250 watts.

W5XGO—Beaumont Broadcasting Assn., Beaumont, Tex., Portable-Mobile.—Granted voluntary assignment of relay broadcast station license from Beaumont Broadcasting Assn. to KRIC, Inc.

WEBR—WEBR, Inc., Buffalo, N. Y.—Granted modification of license to increase night power from 100 to 250 watts.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted extension of special experimental authority to operate as a facsimile broadcast station from 12 midnight to 6 a. m., PST, for the period September 1, 1939, to March 1, 1940.

NEW—Yuma Broadcasting Co., Yuma, Ariz.—Granted C. P. for new station to operate on frequency **1210 kc.**, 100 watts night, 250 watts local sunset, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

KHBG—Harry B. Greaves, T. B. Lanford, R. M. Dean and John Caruthers, Okmulgee, Okla.—Granted authority to transfer control of the Okmulgee Broadcasting Corp., licensee of station KHBG, to Mrs. Lucille Buford, Paschel Buford, Mrs. S. P. Ross and Sam W. Ross. (Station operates on **1210 kc.**, 100 watts, daytime.)

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license extended on a temporary basis to October 1, 1939, pending inspection of the station to determine if station is operated in accordance with the Rules of the Commission, particularly 130, 132, 144 and 176.

KYCA—Southwest Broadcasting Co., Prescott, Ariz.—On June 22, 1938, the Commission granted an application of Southwest Broadcasting Co. to establish a new station to operate on frequency **1500 kc.**, with 100 watts night, 250 watts day, unlimited time. Thereafter W. P. Stuart filed an appeal in the U. S. Court of Appeals. On June 12, 1939, the Court handed down its decision dismissing the appeal. Accordingly, the Commission directed the Secretary to reissue a C. P. to Southwest Broadcasting Co., the date of commencement of construction to be advanced 60 days from date and completion date to 180 days thereafter.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Denied petition for rehearing or reconsideration of the Commission's decision of June 21, 1939, in denying application of WOMI for modification of license to change operating assignment from **1500 kc.**, with 100 watts night, 250 watts day, unlimited time, to **1200 kc.**, with same power and hours of operation.

NEW—Summit Radio Corp., Akron, Ohio.—Granted supplemental petition for reconsideration of action of May 11, 1938, in denying application of Summit Radio Corp., revoked its order of May 11, 1938, and adopted in lieu thereof an order granting the application to construct and operate a standard broadcast station to operate on **1530 kc.**, 1 KW, unlimited time, effective August 15, 1939.

NEW—Publix Banford Theatres, Inc., Asheville, N. C.—Remanded for further hearing the application for C. P. to use **1430 kc.**, 1 KW, unlimited time, using DA at night, upon the following issues: To determine the availability and suitability of antenna site which applicant proposes to use; to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

KEHE—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition of Earle C. Anthony, Inc., to change call letters of KEHE to KECA.

WPG—Greater New York Broadcasting Corp., New York City.—Denied motion to dismiss exceptions of Interstate Broadcasting Company, Inc. (WQXR), in re Docket No. 5350.

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted authority to take depositions in re application for new station.

W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Granted petition for order to take depositions in re applications for renewal of licenses, scheduled for hearing on September 16.

KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted C. P. to install new equipment.

NEW—Edwin H. Armstrong (New York City and vicinity), Portable-Mobile.—Granted C. P. for new special high frequency relay broadcast station to use frequencies **133030, 134850, 136810** and **138630 kc.**, 50 watts.

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Granted C. P. to install new equipment.

WFYB—Columbia Broadcasting System, Inc. (Cincinnati, Ohio), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.**, 50 watts.

WHPA—WHP, Inc., Harrisburg, Pa., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.**, 40 watts.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted C. P. approving transmitter site, installation of vertical radiator, and changes in transmitting equipment.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted C. P. to make changes in equipment.

WCLS—WCLS, Inc., Joliet, Ill.—Granted C. P. to move transmitter and studio site locally, make changes in composite equipment and install vertical radiator.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted modification of C. P. authorizing move of auxiliary transmitter from present main transmitter site to studio location, and install new antenna for auxiliary purposes only.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted modification of special authority to make changes in equipment.

WISE—Asheville Daily News, Harold Thoms, Owner, Asheville, N. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and installation of vertical radiator.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted modification of C. P. to install new equipment and make changes in directional antenna system for nighttime operation; extend commencement date to 20 days after grant, and completion date to 120 days thereafter.

KTEM—Bell Broadcasting Co., Temple, Tex.—The effective date of the Commission's order of July 27 granting the application of KTEM was extended to August 8.

KFOX—Nichols & Warinner, Inc., Long Beach, Calif.—Retired to the closed files an application for C. P. for authority to install new equipment and increase power, which was granted contingent upon selection of a satisfactory transmitter site, since an application for modification of C. P. was filed with the Commission. No satisfactory reply has been received to numerous letters relative to site so the modification of C. P. has been returned to applicant.

WBAX—Stenger Broadcasting Corp. (Assignee), Wilkes-Barre, Pa.—Dismissed application of John H. Stenger, Jr., licensee of station WBAX, as assignor, and the Stenger Broadcasting Corp. for transfer of license to the Stenger Broadcasting Corp., because the application does not meet the requirements of the Rules of the Commission, in that it is not executed by both the assignor and the assignee. The assignor refuses to sign said application.

DESIGNATED FOR HEARING

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Application for C. P. for new station to operate on **780 kc.**, 250 watts, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Application for C. P. to move transmitter site locally from 201 Randolph St. to Holston Hills Road, near Knoxville; install new equipment and DA system; change frequency from **1310 kc.** to **620 kc.**, and increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, employing DA system for nighttime operation. Application designated for hearing to determine if interference might result to existing stations, and pending applications involve increase in service.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Application for C. P. to move transmitter site locally, exact site to be determined with Commission's approval; install new equipment and vertical radiator; and change frequency from **1420 kc. to 630 kc.;** increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day. Application designated for hearing to determine if interference might result, and pending applications involve increase in service.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Application for C. P. to install new equipment and DA system; change frequency from **640 kc.** to **1390 kc.;** and increase power from 500 watts, limited time, employing DA system, to 1 KW night, 5 KW day, unlimited time, employing DA system for nighttime operation. Application designated for hearing to determine whether interests of any other station may be adversely affected by reason of interference, pending applications with which conflict may be had by reason of interference, and whether operation of station as proposed will be in accord with Commission's plan of allocation and standards of good engineering practice.

FEDERAL TRADE COMMISSION ACTION

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

The United Corporation, trading as Virginia Products Company, and George M. Crump, president of the United Corporation, New York, were ordered to discontinue misleading representations in connection with the use of the name "Virginia" in the sale and distribution of deviled ham and corned beef hash.

Findings of the Commission are that, excepting for the deviled ham packed for the respondents by one meat packing company, the meats in the deviled ham and corned beef hash sold by the respondents are not obtained from cattle or hogs grown in Virginia, nor cured nor processed by the well-known Virginia method nor in the State of Virginia. (3093)

Fred Adelmann, also known as Frank Adelmann, trading as **Vit-O-Net Company, Vit-O-Net Corporation,** and **Electric Blanket Company,** 1716 South Michigan Ave., Chicago, was ordered to discontinue misleading representations in the sale and distribution of "Vit-O-Net," described as an electrical blanket device for treating diseases.

Under the order, the respondent is to cease representing that "Vit-O-Net," or any similar device, sets up a radio-magnetic energy which is transmitted to the patient thus causing an increased activity and revitalizing of the organs and cells of the body and a charging of the blood stream with electromagnetic energy with beneficial results. The respondent is also ordered to cease representing that his device is an amazing discovery, and that it aids in the elimination of wastes and poisons; has a therapeutic value in treating all diseases known to man, or that it has any therapeutic value at all on the body other than that which would be produced by the heat generated by the device. (3533)

Sam Bell, trading as **Longwear Paint and Varnish Works,** North Kansas City, Mo., was ordered to discontinue misleading representations in the sale and distribution of paint products.

Under the order, the respondent is to cease representing as paint any product which does not contain the necessary ingredients in quantities sufficient to give it the quality, character or value of paint. The respondent is further directed to cease misrepresenting the composition, properties or value of his products.

The order also prohibits representations that the respondent's paint products are manufactured at any place other than the actual place of manufacture, or that they are made by any person, firm or corporation other than the actual manufacturer. (3632)

United Educators, Inc.; General Research Foundation, Inc.; Publishers Finance Company, Inc.; Warren T. Davis, Joseph J. Rink and Elmer C. Wolford, Chicago, have been ordered to cease and desist from misrepresentations in the sale and distribution of a set of reference books known as the **"American Educator Encyclopedia,"** certain research services and a loose-leaf extension service.

Warren T. Davis, Joseph J. Rink and Elmer C. Wolford are executive and principal owners of the three corporations carried on as different branches of one business concern.

Findings of the Commission are that 25 to several hundred canvassers were employed by the respondents, and that 17,937 sets were sold between April, 1931, and April, 1936, at prices ranging from $49.50 to $80. To promote sales, the Commission finds, representations were made to prospective purchasers that volumes of the encyclopedia were free, and the buyer was to pay for only loose-leaf extension service at a stated price, or that volumes of the encyclopedia were given at an especially low price as part of an advertising program because of the prominence of the prospective purchaser, or for other reasons; that notes signed in connection with the sale of the units were simply receipts or order blanks; that the research service was furnished by "General Research Foundation," of which the purchaser became a member, and that the purchase price represented the entire cost of the unit.

The Commission finds that the purchase price of the unit as shown in the respondents' contract order forms did not show its entire ultimate cost, and that to enforce collection of accounts due, the respondents represented to buyers that the debts had been purchased by Publishers Finance Company, Inc., before maturity and that the finance company was an innocent purchaser of such obligations. Buyers are alleged to have been threatened with action through local banks, and in case of teacher-purchasers, through school authorities.

It was also found that the finance company was not an innocent purchaser, but had full knowledge of the facts.

The respondents were ordered to cease and desist from advertising or representing that any books or set of books offered for sale by them will be given free of cost; that purchasers are only buying or paying for loose-leaf extension supplements intended to keep the set of books up to date for a period of years; that any books are offered for sale at an especially low price, unless the price is less than the one at which they are customarily offered for sale; that any instrument presented to prospective customers for signature in connection with the sale of the books is a mere receipt or order blank, when such instrument is an agreement to pay a specified sum; that any such instrument presented for signature is not a promissory note, when such instrument contains an agreement by the signer to pay specified sums on certain dates. The respondents will cease representing as a "foundation" any organization other than one in whole or in part supported by disinterested or eleemosynary funds, and advertising or representing that any specific sum is the full price of any set of books and supplemental services unless all the terms and conditions which must be met for the services to be obtained are clearly and conspicuously stated in immediate connection therewith. (3428)

Samuel L. Presner, Miami, Fla., former president of the now dissolved corporation, Federal Organization, Inc., New York, was ordered to discontinue misleading representations in the sale and distribution of medicinal preparations and devices.

The order directs the respondent to cease representing through the word "Federal" that his products have been tested by the United States Government, or through the use of the words "Laboratories" or "Research Laboooratories," as part of his trade name, or in any other manner, that he maintains a laboratory for making scientific tests on products sold by him.

Under the order, the respondent is to cease representing directly or by implication that certain devices will be of aid in male sexual disorders; that "Stamina Kel-Pep" will assist digestion or build up energy, blood or tissues; that certain preparations are tonics for the sexual organs, or are beneficial treatments for prostate and kidney disorders.

The order further directs the respondent, Presner, to discontinue advertisements which fail to reveal that "Stamina Kel-Pep," "Spanish Passion Extract," "Double Strength Spanish Passion Extract" and "African Jungle Tree" are not wholly safe for use by the lay public in self medication. The case was closed as to the dissolved corporation. (3782)

The Knox Company, 811 West 7th St., Los Angeles, was ordered to cease advertising that its preparation "Cystex" is an adequate treatment for kidney and bladder ailments unless such representations are restricted to the non-organic and non-systemic disorders. The order further prohibits representations that "Cystex" is an adequate treatment for conditions the symptoms of which are swollen joints, leg and rheumatic pains, backache, nervousness, dizziness, burning of the urinary passage, "getting up nights," circles under the eyes, and excess acidity or loss of energy. The respondent is also ordered to discontinue representing that its preparation "Mendaco," has any therapeutic value in the treatment of asthma in excess of furnishing, in some cases, temporary relief from the symptoms of asthma, or that it has any beneficial effect on the blood or promotes body metabolism. (3597)

Harry Epstein, trading as Restoria Company, 805 East Mason St., Milwaukee, was ordered to cease representing "Restoria" or any similar preparation as an effective treatment for bad blood, ulcers, swollen glands, eczema, neuritis, neurasthenia, rheumatism, or syphillis. The order further forbids the representation that the respondent's preparation is manufactured in a modern laboratory or under the supervision of skilled scientists, until such is a fact, or the dissemination of advertisements which fail to reveal the preparation as being not a wholly safe drug for use by the lay public in self medication. (3737)

William G. Nash, Sr., William G. Nash, Jr., and **Florence Nash Cox,** trading as Nash Brothers Drug Company, Jonesboro, Ark., were ordered to discontinue representations that "Nash Chill and Liver Tonic" or "Nash's C. & L. Tonic," is a cure or remedy for malaria or that it will restore the normal functioning of the bowels, add red corpuscles to the blood, aid digestion, increase the appetite, restore vigor or vitality, or that it will cure numerous ills among which are liver trouble, colds, chills and headache. The order further forbids advertisements which represent that the preparation is safe for use in unsupervised self-medication, or which fail to reveal that it is not a wholly safe drug to be used by the lay public in self-medication.

The respondents were also ordered to cease representing that their preparation has received the endorsement of medical opinion throughout the southern United States. (3775)

Waco Drug Company, Portland, Ore., was ordered to cease representing its preparation "Omodyne," or any similar product, as being an effective treatment for arthritis, neuritis, lumbago, sciatica, gout, neuralgia, or rheumatism, or as being of value in relieving the aches or pains which are due to such conditions. The order also forbids representations that the use of "Omodyne" will cause the elimination of poisons from the system, or that it is prepared in accordance with a scientific formula. (3468)

Weiss Bedding Company, Inc., and **Dan Weiss, Jr.,** 365 Baxter Ave., Louisville, Ky., were ordered to discontinue misleading representations in the sale and distribution of mattresses.

The order directs the respondents to cease using the term "Cotton Felt," or similar terms, to describe any mattress which is not made of cotton fibers garnetted together into a mat or web; representing that such mattresses are new or sanitary unless all materials made a part of them are new or sanitary, and representing that their mattresses comply with all State laws, unless that is a fact. (3809)

STIPULATIONS

The Commission has entered into the following stipulations:

P. H. Davis Tailoring Company, Cincinnati, Ohio, entered into a stipulation to discontinue misleading representations in the sale and distribution of men's clothing.

Under the stipulation, the respondent is to cease representing as "wool," "woolen," "pure wool" or "worsted" the fabrics used in the manufacture of its clothing when such fabrics are not wholly composed of wool. It was also agreed that the respondent will cease representing the fabric used in its garments as containing silk either alone or in combination with other materials as a decoration or otherwise, when such decoration or thread is not silk but some other thread. (02413)

Miles Laboratories, Inc., Elkhart, Ind., entered into a stipulation with the Federal Trade Commission to discontinue misleading representations in the sale and distribution of "Alka-Seltzer."

The respondent company agreed to cease the use of advertising matter implying that colds, neuralgia, distress after meals, and "common everyday ailments" result from excess acidity of the blood, an acid condition of the blood, or deficient alkaline reserve of the blood, and that the alkalinizing effect of "Alka-Seltzer," by correcting such acid condition or restoring the alkaline reserve, will be a proper treatment for the ailments mentioned.

The respondent further agreed to discontinue representations implying that headaches, upset stomach, and aches and pains result from, or are associated with, excess acidity of the blood, an acid condition of the blood, or a deficiency in the alkaline reserve of the blood, except when the ailments mentioned may be shown by competent scientific evidence to be directly associated with such conditions of the blood, and subject to this exception, to cease making representations implying that the taking of "Alka-Seltzer," by correcting the acid condition of the blood or restoring its alkaline reserve, will be a proper treatment for such ailments.

The respondent also stipulated that it would cease representing that other therapeutic effects of "Alka-Seltzer" exceed the recognized benefits to be derived from neutralization of hyper-acidity of the gastric contents or the analgesic and other effects of sodium acetylsalicylate together with the action of buffer salts. (2503)

Slatedale Knitting Mills, Inc., Slatedale, Pa., engaged in manufacturing and selling children's hosiery, stipulated that it would cease representing that its products are composed of fibers in any designated proportion, when such is not a fact, and cease using the word "wool," either alone or together with the word "rayon," or with any other words, as descriptive of hosiery not containing wool in substantial part. The stipulation provides that if the hosiery is composed of a mixture of fibers, as rayons and cotton with only a small proportion of wool, then the word "wool" shall be immediately accompanied by suitable disclosure of the amount of wool actually present and by the names of the other content fibers, arranged in the order of their predominance by weight and printed in type equally conspicuous; as, for example, "rayon, cotton and 5 per cent wool".

The respondent company also agreed to desist from branding or labeling products composed of rayon and other kinds of fiber or substances without full disclosure of the rayon and other content, made by accurately designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber present in a proportion of 5 per cent or less by weight; as, for example, "Cotton and Rayon". (2498)

The A. Nash Company, also trading as Schaefer Tailoring Company, 1916 Elm St., Cincinnati, agreed that in connection with the sale and distribution of men's clothing it would cease representing the principal fabrics used in the manufacture of its clothing as "Wool," "All Wool," "Pure Wool," "Woolen," "Fleece," or "Worsted," when such fabrics are not wholly composed of wool, and would discontinue representing as "Wool," "All Wool," "Pure Wool," "Woolen," "Worsted," or "Fleece" the principal fabric used in the manufacture of its clothing which is composed partly of wool and partly of cotton, silk, rayon, linen, or any other fiber, unless the same is represented as "Wool and Cotton," "Wool and Rayon," "Wool and Linen," etc., in the order of the predominating fiber content.

The A. Nash Company also agreed to cease representing that sales-persons may expect to earn $35 a week during their first season selling its garments. (02409)

Frederick Stockhausen, trading as Kayak Boat Company, 152 East 129th St., New York, agreed to cease representing: That his plant or factory makes or builds kayaks exclusively, when such is not a fact, and, either by direct statement or by inference, that the kayaks made and sold by him are "non-sinkable" in all circumstances. Stockhausen also stipulates that he will discontinue advertising, unqualifiedly, that the kayaks sold by him can be navigated through the "heaviest waters"; that they are so constructed that it is impossible for any wave to reach the deck and pour into the cockpit; that their construction is patented, and that the design of these boats "eliminates all danger". (2501)

Harry T. Bedman and **Chester N. Olson,** trading as Alexandria Boat Works, Alexandria, Minn., agreed to cease representing directly or by implication that boats built with red cedar plankings are inferior to those planked with redwood; or that boats built of redwood planking will outwear two or three red cedar planked boats, or will outwear any such boats; or that red cedar is a cheaper material than redwood, when such representations are not warranted by the facts and are not supported by the weight of scientific evidence. (2499)

L. Lewellyn, trading as Lewellyn Products Company, 489 W. Ferry St., Buffalo, agreed to cease representing directly or by implication that his product, "Lewellyn's Pure Wheat Germ," is rich in Vitamins A, B, E and G, and valuable mineral salts; aids digestion; nourishes nerve tissues; prevents premature old age symptoms, or builds up the health of the entire body. The respondent also stipulated that he will discontinue advertising that the ingestion of "Lewellyn's Pure Wheat Germ" fortifies food in essential vitamins and mineral salts and that the preparation contains ingredients or elements beneficial in treating loss of appetite, loss in weight, constipation, and nervous disorders, and is essential for well-being at all ages. (02410)

E. T. Browne Drug Company, Inc., 127 Water St., New York, stipulated that it will cease making direct or implied representations that users of "Palmer's Skin Success Ointment" can be confident of receiving beneficial results and that use of this preparation is beneficial in the treatment of blackheads, bumps or blotches on the skin, or sunburn or any other similar condition.

The respondent agrees to discontinue advertising that use of Palmer's Skin Success Soap will completely remove blackheads, protect the skin, or prevent conditions resulting from exposure to climate or use of cosmetics. (02411)

Robert Quirk, trading as The Ohio Products Company, North Madison, Ohio, entered into a stipulation with the Federal Trade Commission to discontinue misleading representations in the sale and distribution of a rat poison designated "Quick-Death."

According to the stipulation, the respondent is to cease representing directly or by implication that "Quick-Death" is nationally known or that its active ingredient, red squill, is a new or original ingredient for rat poison. The respondent further agreed to discontinue representing that "Quick-Death" is non-poisonous or absolutely harmless under all circumstances to other animals and human beings; that it is 100 per cent effective in the destruction of rodents, and that all rodents who eat "Quick-Death" will go outside of the buildings to die.

It was also agreed by the respondent that he will cease representing that prospective representatives can make profits in a specified period of time in excess of that made by its active representatives in a like period under normal conditions. (02412)

COURT ACTION

The United States District Court for the Eastern District of Missouri on August 7, granted a temporary restraining order on petition of the Federal Trade Commission to prohibit **Charles L. Klapp,** trading as The Cardinal Company, and as The Cardinal Company of St. Louis, 406 Market St., St. Louis, from further dissemination of false advertisements of a medicinal product pending hearing on a petition for a preliminary injunction.

The FCC alleges that the defendant's advertisements are false in that they represent his preparation, Fema-Lade, as being a safe, competent, and scientific treatment for delayed menstruation and as having no ill effects on the body, and in that they fail to reveal that the use of this preparation under the conditions prescribed in the advertisements, or under such conditions as are customary and usual, may result in serious and irreparable injury to the health of users.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 33, August 18, 1939

Highly Important Meetings Next Week

Copyright, the new code and record licensing top the agenda for highly important NAB committee meetings in New York next week.

The Executive Committee will meet Tuesday, August 22, at 10 a. m. in the Ritz Tower to review developments and discuss policy in all three matters.

On Wednesday, the Executive Committee will meet with the Copyright Negotiating Committee, augmented by Walter Damm, WTMJ, Milwaukee, and John Shepard, 3rd, the Yankee Network, to discuss the whole copyright situation and the forthcoming special NAB convention. The negotiating committee includes Major Lenox Lohr, NBC; Edward Klauber, CBS; Sam Rosenbaum, WFIL; Mr. Elmer and Mr. Miller.

In connection with the record licensing problem, Mr. Miller sent the following wire to officials of the Columbia Recording Corporation, Decca Records, Inc., and the RCA Manufacturing Company:

> "The NAB Copyright Committee at recent meeting considered various angles resulting from decision in Whiteman case and passed resolution requesting companies to hold up action concerning contracts with stations until after entire subject and details of proposed contract could be fully considered at conferences between NAB Committee and recording companies. In conformity with the above resolution I make this request of your company and am making the same request of RCA and Decca. Believe it would be advantageous to all concerned if further action can be deferred until after proposed conference. Will telephone your office Friday morning to arrange for conference in New York next week."

The special committee on phonograph record licensing was appointed last week by Mr. Miller. It consists of the following: Neville Miller; John Elmer, WCBM, Baltimore; and Clair McCollough, WGAL, Lancaster, Pa.

RCA Victor Contract

Below is the text of the proposed license contract submitted to all stations by RCA Victor, to permit the station in return for a fee to broadcast Victor and Bluebird records under certain conditions. Decca also has notified stations that it will demand a license fee.

IN CONSIDERATION of the making of the payments at the times and in the amounts hereinafter set forth, RCA MANUFACTURING CO., INC., of Camden, New Jersey, producer of Victor and Bluebird phonograph records, does hereby grant to operator of Radio Station ...., whose broadcasting studio is located at a personal, non-exclusive, indivisible and non-assignable license under Licensor's property rights hereinafter referred to, to broadcast the phonograph records hereinafter identified, subject to the terms and conditions of this license agreement, to each of which Licensee expressly agrees:

1. Licensee is licensed by Licensor to broadcast over Licensee's above-mentioned radio station, either as an original broadcast or as part of a network program, programs containing Victor and/or Bluebird phonograph records produced by Licensor of its predecessor companies and licensed hereunder, but (a) new releases shall not be broadcast by Licensee more than twice a day for the

(Continued on page 3666)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

RCA VICTOR CONTRACT

(Continued from page 3665)

first third (30) days following the release date thereof as fixed by Licensor in announcements to be sent by it to Licensee from time to time; (b) Licensor's records when broadcast by Licensee shall be clearly announced as Victor or Bluebird phonograph records at least once during each broadcast period in which they are used and in any event at least once during each fifteen minute period, and no statement shall be made in conjunction with any broadcast which might in any wise tend to mislead listeners into believing that the artists whose performances are recorded on the records broadcast are personally present and performing in Licensee's studio unless that be the fact; and (c) worn, scratched or damaged records shall not be used by Licensee for broadcasting purposes, and all reasonable efforts shall at all times be made by Licensee to conduct broadcasts of Licensor's records in a manner which will not be detrimental to the prestige and standing of the product and business of Licensor or Licensee.

2. All Victor and Bluebird records heretofore or hereafter during the continuance of this license produced by Licensor or its predecessor companies are licensed hereunder with the exception of those records specified in Schedule A attached hereto and made part of this license and with the exception of such additional records as may from time to time be specified by Licensor as additions to said Schedule A; provided, however, that if the total number of records included in said Schedule A by Licensor shall at any time exceed one-third of the total number of records then contained in Licensor's entire record catalog, Licensee may at its option elect to terminate this license at the end of any month by giving Licensor ten days' written notice of its intention so to do.

3. This license is granted under Licensor's property right in its records, as manufacturer thereof, and under any common law property right of the artists whose performances are recorded on the records licensed hereunder. This license is not intended to constitute, nor does it constitute, a license to publicly perform for profit, copyrighted material which may be embodied in any of the Licensor's records.

4. The annual license fee payable to Licensor by Licensee in United States currency shall be in accordance with the following schedule of rates:

Class	Highest Half-Hour Rate as Published in "Standard Rate and Data"*	Monthly Fee
A	$200 and over	$300.00
B	$175 to $199	$275.00
C	$150 to $174	$250.00
D	$125 to $149	$225.00
E	$100 to $124	$208.33
F	$ 80 to $ 99	$187.50
G	$ 60 to $ 79	$166.67
H	$ 40 to $ 59	$145.83
I	$ 20 to $ 39	$125.00
J	$ 19 and under	$100.00
K	Stations which do not sell time and whose broadcasts are confined solely to educational and religious programs	$10.00

Licensee represents and warrants that its highest half-hour rate is $........ and that it therefore belongs in Class ...., as set forth in the foregoing Schedule. Licensee's annual license fee is therefore fixed at $........, payable in equal monthly instalments of $........ each, in advance, on or before the tenth day of each month, beginning with the date of this license, which fee is subject to upward or downward revision at the end of each month in the event Licensee shall from time to time change its time rates so as to cause it to fall into a different classification, as set forth in said Schedule.

5. The term of this license is one year from the date hereof but it may be terminated by Licensor at any time upon ten days' written notice sent to Licensee at its broadcasting studio by telegraph or mail in the event of non-payment of license fees promptly when due, or failure of Licensee promptly to comply with and fulfill all of the terms and conditions of this license.

Dated, ..., 19......

RCA MANUFACTURING CO., INC.

By..........................

Accepted and agreed to: ....

....

By ....
Licensee

Station Call Letters ....

FCC BROADCAST RULE 3.90 (a)(2)

The FCC has agreed to reconsider Section 3.90 (a)(2) of the Rules Governing Standard Broadcast Stations in the light of facts presented to the Commission by the NAB. On July 21, an interpretation of the rule was requested, and on July 27, the Commission replied stating that official logs must identify each recorded musical composition broadcast (NAB REPORTS, July 28, pp. 3625-26). Probably several weeks will elapse before the question of modifying the rule can be considered, as a number of the Commissioners are on vacation. The additional letters exchanged between the NAB and the FCC follow:

August 3, 1939

Mr. John B. Reynolds, Acting Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Reynolds:

Many thanks for your letter of July 27 interpreting the log requirements of Section 3.90 (a)(2) of the Rules Governing Standard Broadcast Stations which were promulgated by the Commission June 23.

It is noted that the Commission agrees with the interpretation suggested in my letter of July 21 in all respects except that portion relating to recorded programs, such as the so-called "Musical Clock," which are made up of individual selections contained in transcription libraries or phonograph records interspersed with commercial announcements. It is with reluctance that I again call to your attention the discrimination which the commission's interpretation imposes and the increased burden placed on small stations least able to absorb that burden.

These small stations, as you know, must of necessity use recorded music almost exclusively. Not only is live musical talent not available to them, but even if available, the increased expense would be prohibitive. Yet it is these stations upon which falls the greatest burden of keeping the voluminous logs. The Commission may have some objective to be achieved with which the industry is not familiar, though one cannot but wonder why it should be necessary to identify in the log the particular musical composition performed from a recording and the identification be unnecessary when the same number is performed by live talent.

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* Radio Advertising Rates and Data, published by Standard Rate and Data Service.

As you know, many of these recorded programs are made up from telephone requests received during the course of the program. In many stations, the announcer does all the work of operating the turntable, locating the musical compositions in the station's recorded library, announcing, and making the suitable notations in the station log. In many instances, the control operator must operate the turntable, keep the log, etc., and the increased burden may result in less efficient control. Since the average recorded musical selection runs only slightly over 2½ minutes, it will be seen that the announcer or control operator has little, if any, available time for additional duties.

The Commission's interpretation of the rule will require some twelve to fifteen separate log notations for each fifteen minute program, depending on the number of commercial announcements, and over half of these are necessitated by the requirement that each recorded musical composition be identified and the time of broadcast noted. When this is multiplied by the total number of such programs during the course of the broadcast day, the extent of the burden is more readily appreciated.

To illustrate the foregoing, permit me to call attention to the operating schedule of two small stations, one located in the East and one in the Middle West. These stations were picked at random, and are believed to be representative. In both instances, the operating schedule is for June 1, 1939. The eastern station was operated a total of thirteen hours from 6:30 a. m. to 7:30 p. m., with seven hours and twenty minutes of this total devoted to the rendition of recorded music contained in the station's transcription and phonograph record library. Some 350 log entries will be necessary with respect to these recorded programs exclusive of commercial announcement entries, and approximately 270 of these entries are caused by the requirement that the individual musical compositions performed be identified by name or symbol and by time of performance.

An even worse situation is disclosed in the case of the midwestern station. This station operated thirteen and one half hours from 7:30 a. m. to 9:00 p. m., with eleven hours and forty-five minutes devoted to musical programs created from selections contained in the station's transcription and phonograph record library. In this case, some 560 log entries will be necessary exclusive of commercial announcements, which includes approximately 330 entries caused by the Commission's requirement. It should be pointed out that the above-referred-to stations do not normally keep the detailed record from which the above information was obtained but did so on the day mentioned at the request of the Association in another matter.

In view of the great burden upon small stations disclosed by the foregoing, it is hoped the Commission will reconsider its interpretation and modify either the rule or its interpretation so as to permit stations to make similar log entries with regard to music created from transcription and phonograph record libraries as is permitted where the music is created by live talent.

With kindest personal regards, I am

Sincerely,

Andrew W. Bennett.
Counsel.

August 10, 1939

Mr. Andrew W. Bennett, Counsel
National Association of Broadcasters
Washington, D. C.

Dear Mr. Bennett:

This will reply to your letter of August 3, 1939, relating to Section 3.90 (a)(2) of the Rules Governing Standard Broadcast Stations which became effective August 1, 1939.

As Section 3.90 (a)(2) is now worded, it would be impossible by interpretation of the rule to authorize licensees of radio broadcast stations to make log entries pertaining to music created from transcriptions and phonograph recordings in the same manner as that authorized where music is created by live talent. In our letter to you of July 27, 1939, we suggested a manner of keeping logs in accordance with Section 3.90 (a)(2) so as to impose the least possible burden upon station licensees.

Your request that the Commission reconsider the rule and modify it so as to permit stations to make similar log entries with regard to recorded music as permitted where music is created by live talent will be presented to the Commission on the earliest possible date for consideration as to possible modification, in the light of the matters pointed out in your correspondence on the subject.

Very truly yours,

T. J. Slowie,
Secretary.

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OPERATORS' LICENSES

The FCC has sent the following notice to all stations:

Your attention is invited to Section 164.06 of the revised Rules Governing Commercial Radio Operators, effective July 1, 1939, which reads as follows:

> "Sec. 164.06. *Endorsement of service record.*—A station licensee or his duly authorized agent, or the master of a vessel acting as the agent of a licensee, shall endorse the service record appearing on said operator license, showing the call letters and types of emission of the station operated, the nature and period of employment, and quality of performance of duty."

It is the responsibility of a station licensee to insure correct certification on the operator's license as to the extent and quality of service performed by the operator. To assist in the execution of this responsibility, the following may be used as a guide in determining the type of employment which entitles an operator to endorsement attesting service, particularly with respect to operators employed for maintenance duties.

An operator is entitled to service endorsement of his license:

1. When he is actually employed with responsibility as watch operator and stands regular watch at a station maintaining a regular service (such as broadcast or ship). The Chief Operator or Chief Radio Engineer who is responsible on a twenty-four-hour basis for the proper operation of the transmitter should likewise be given credit for service.
2. In the case of stations having intermittent hours of service (such as experimental or special emergency) when he is the operator employed and responsible for the operation of the station, if and when needed. In this case the period should be the period of his responsibility even though the transmitter was operated only intermittently during that period.
3. When regularly employed, or under contract as an individual, as the operator responsible on a twenty-four-hour basis for the repair and maintenance of a station. In this case, credit should be given for service during the full period of employment whether or not it is necessary to conduct service or maintenance operation. (See next paragraph for discussion of conditions if a service company is employed.)
4. When continuously employed by a commercial radio transmitter service agency as the operator responsible for maintenance and service of miscellaneous transmitters licensed to various persons. In this case, credit should be allowed for the period when the operator was employed in this activity during the usual hours of labor.

Credit for service should not be given if:

1. A licensed operator, although available for relief, is not responsible in any manner for the station except during those periods when he is actually acting as a relief operator. Of course, credit for service should be given for any periods during which he acts as relief. As an example, the Desk Sergeant in a police department holding a radio operator's license but who, normally, has nothing to do with the operation of the radio division should not be given credit for service even though he were available as an operator in the case of an emergency. Should he act for two weeks as a relief operator in case of sickness or vacation, it would be proper to give him service for the two-week period. Similarly, the studio operator in a broadcast station is not entitled to credit except for those periods during

which he is actually on duty as watch operator at the transmitter.

2. A maintenance man is not regularly employed under contract to maintain a station even though it may be the practice of the station licensee to call upon him upon occasion for assistance. Service credit is only proper for those days during which actual service was performed.

3. A service man is not actually engaged in the business of servicing equipment. An operator is not entitled to credit for the repair and maintenance of miscellaneous transmitters other than for the time actually spent on those transmitters unless he is in fact in the business. In other words, an operator licensee cannot endorse his own license for service as a maintenance man by merely printing a letterhead establishing himself as a service man. He must be actually so engaged.

An operator holding separate radiotelegraph and radiotelephone class licenses or a radiotelegraph license with a radiotelephone endorsement, who has operated at a station licensed for and actually using A1, A2, and A3 emission is entitled to service endorsement for both licenses.

In computing service, fractions of a day in which the operator is on watch and *responsible for* a station's operations shall be considered as a day. It is not sufficient for an operator to post his license and mainly serve as an additional operator. He must have operation responsibility to obtain service.

Credit should be given for a week or any similar extended period which includes Sundays and holidays if the operator is regularly employed; that is, has a regular schedule during which he is responsible for the station's operation, which schedule includes a substantial percentage of the total period considered.

In the event that special cases arise which are not covered by the above, additional information may be obtained from this office.

T. J. Slowie,
Secretary.

Adopted: August 8, 1939.

794 STATIONS

The Federal Communications Commission dropped one station during the month of July, 1939, and issued operating licenses to four new stations. The Commission also granted seventeen permits for the construction of new stations during the month. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1
Operating stations..	722	727	729	732	734	735	735	738
Construction permits	42	39	37	37	38	38	43	56
Total	764	766	766	769	772	773	778	794

CORRECTION

In the NAB Reports of August 11, 1939, p. 3658, the location of Station WJMS should have been *Ashland, Wisconsin.*

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF THE COMMISSION

The Commission on August 9 issued the following order:

Upon consideration of the Supplemental Petition for Reconsideration of Summit Radio Corporation, and the oppositions thereto of American Republican, Inc. (WBRY) and Allen T. Simmons (WADC), respondents, filed respectively on July 5, 6, and 10, 1939:

IT IS ORDERED, This 8th day of August, 1939:

1. That the Supplemental Petition for Reconsideration of Summit Radio Corporation BE, AND IT IS HEREBY, GRANTED in so far as it requests the Commission to reconsider the above application and its decision and order thereon of May 11, 1938, with particular regard to the repeal of Rule 120.1 and the adoption of Rule 3.26, effective August 1, 1939, and the modification of its findings based upon the evidence now material.

2. That the Commission's order of July 13, 1938, granting the petition of Summit Radio Corporation filed July 11, 1938, for rehearing, BE, AND IT IS HEREBY, REVOKED.

3. That the Commission's findings of fact contained in the "Statement of Facts, Grounds for Decision, and Order" of May 11, 1938, BE, AND THEY ARE HEREBY, AFFIRMED, except that all of said findings and conclusions which relate in any manner to the applicant's proposed program of experimentation and research, and the finding contained in sentence 1, paragraph 3, page 5, of the "Statement of Facts," BE, AND THEY ARE HEREBY, DELETED.

4. That the "Grounds for Decision" of May 11, 1938, BE, AND THEY ARE, HEREBY REVOKED, and the following "Grounds for Decision" substituted therefor:

> 1. The applicant is qualified in all respects to construct and operate a standard broadcast station of the character proposed herein.
>
> 2. That the proposed service would be expected to render substantial benefits to the area to be served.
>
> 3. That the operation of a broadcast station as proposed herein will not be expected to cause any objectionable interference to any existing broadcast service.
>
> 4. Sufficient potential sources of advertising are shown to exist in the Akron, Ohio, area from which the applicant may reasonably be expected to derive adequate commercial support to insure the successful operation of the proposed station.
>
> 5. A grant of the application will serve public interest, convenience, and necessity.

5. That the Commission's order of May 11, 1938, BE, AND IT IS HEREBY, REVOKED, and the following order adopted in lieu thereof: "Upon consideration of the entire record, IT IS ORDERED, that the application of Summit Radio Corporation, Docket No. 4438 (in so far as it requests authority to construct and operate a standard broadcast station), BE, AND IT IS HEREBY, GRANTED."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

Thursday, August 17, 1939

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—In the matter of: Order to show cause why the license to operate radiobroadcast station WLTH should not be revoked.

FEDERAL COMMUNICATIONS COMMISSION ACTION

MISCELLANEOUS

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted special temporary authority to use relay broadcast transmitter KABF for location tests at KMJ on frequency **580 kc.**, with power of 50 watts, between the hours 3 and 6 a. m., PST, for the period August 11 to 18

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., August 18 to 1 a. m., AST, August 19, in order to broadcast graduation exercises of the Gomez Commercial School.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, EST, August 14, in order to broadcast Macon-Spartanburg Baseball game with special ceremonies in celebration of Baseball's Hundredth Anniversary.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 kw. at night, using DA, for the period August 13 to September 11, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system is corrected by installing new tuning condensers. (Action taken 8/11.)

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to rebroadcast the Navy time signals from Arlington for the period ending 3 a. m., EST, February 1, 1940. (Action taken 8/11.)

KIIP—Jack M. Karterman, Luckyshot, Alaska.—Granted special temporary authority to operate a point to point telephone station KIIP at Luckyshot, Alaska, on frequency **3092.5 kc.**, with power of 30 watts, for a period of 3 months, subject to receipt and consideration of application for CP and license.

First Baptist Church, Pontiac, Mich.—Granted authority to transmit religious programs to radio station CKLW, Windsor, Ontario, Canada, through the facilities of Michigan Bell Telephone Co., for the period August 13, 1939, to August 13, 1940.

The Commission (by Walker, Commissioner) on August 7, took the following action:

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously, non-synchronously, with KFAB, commencing 4:45 a. m., CST, for the period August 9 to September 7, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—To operate as above except simultaneously non-synchronously with station WBBM.

KWLC—Luther College, Decorah, Ia.—Granted extension of special temporary authority to reduce the broadcasting schedule to one hour daily, for the period August 13 to September 14, in order to observe summer vacation.

W2XBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate Television Broadcast Station (experimental) on frequency band **156-162 megacycles,** for the period August 13 to September 11, pending adjustment of the license to conform with provisions of Rule 43.13.

NEW—Bellingham Broadcasting Co., Bellingham, Wash.; KVOS—KVOS, Inc., Bellingham, Wash.—The Commission amended its order assigning Commissioner Payne to preside at the hearing on the application of KVOS for renewal of license, and the application of Bellingham Broadcasting Co. for C. P., scheduled for August 16, and assigned George B. Porter to act as Examiner in the case if Commissioner Payne cannot be present.

KGVO—Mosby's Inc., Missoula, Mont.—Dismissed without prejudice, application for modification of license to change operating assignment, granting applicant's motion to dismiss.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, on September 5, 7, 12, 14, 19, 21, 26 and 28, and 8:15 to 9:15 p. m., CST, on September 6, 13, 20 and 27, in order that station WNAD may remain silent during summer vacation (provided WNAD remains silent).

WNAD—Univ. of Okla., Norman, Okla.—To remain silent 7:15 to 9:15 p. m., CST, on September 5, 7, 12, 14, 19, 21, 26 and 28, and 8:15 to 9:15 p. m., CST, on September 6, 13, 20 and 27, in order to observe summer vacation; also to be excused from the regular frequency monitor test on September 9, 3:30 to 3:50 a. m., CST.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period August 19 to September 18.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate from local sunset (7:30 p. m., EST), until midnight on August 8, in order to broadcast returns on the local primaries and election, the time not devoted to such returns to be taken up by non-commercial programs.

WNEL—Juan Piza, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from International broadcast stations W3XL and W3XAL over station WNEL, on a non-commercial experimental basis only, for a period not to exceed 30 days.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate unlimited time (August 6:45 p. m., CST), August 29, in order to broadcast election returns of second primary in state and county elections.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate between the hours of 9 a. m. and 5 p. m., EST, with power of 5 KW on the frequency **1450 kc.**, with DA for the period August 15 to August 24, in order to make a survey of WGAR's night primary service area.

WEOD—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate Relay Broadcast Station WEOD with power of 250 watts, in accordance with Section 40.04, in order to carry out program of experimentation outlined in application for C. P. granted January 24, 1939, for the period August 11 to September 9, 1939.

KFRU—KFRU, Inc., Columbia, Mo.—Granted motion to withdraw without prejudice, application for modification of license to change operating assignment of KFRU.

KMMJ—M. M. Johnson Co., Clay Center, Neb.—Granted motion to dismiss without prejudice, application for C. P. to increase power.

WEGY—Chicago Fed. of Labor, Portable-Mobile, Chicago, Ill.—Granted C. P. to make changes in equipment and decrease power in relay station from 30 to 15 watts.

WOI—Iowa State College of Agr. and Mechanic Arts, Ames, Ia.—Granted C. P. to move transmitter locally on campus of college; change studio location from Engr. Annex to Service Bldg., and install new equipment.

KCRJ—Central Ariz. Broadcasting Co., Jerome, Ariz.—Granted C. P. to move transmitter and studio locations locally, and make changes in antenna.

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Granted C. P. to move transmitter site locally and install vertical radiator.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted modification of C. P. to make changes in transmitting equipment.

WTRY—Troy Broadcasting Co., Inc., Troy, N. Y.—Granted modification of C. P. extending completion date from August 27, 1939 to February 27, 1940.

NEW—WDZ Broadcasting Co., Portable-Mobile (Area of Tuscola, Ill).—Granted C. P. for new relay broadcast station; frequencies **1622, 2058, 2150** and **2790 kc.**, 10 watts.

NEW—Peoria Broadcasting Co., Peoria, Ill. (Portable-Mobile).—Granted C. P. for new portable-mobile relay broadcast station to operate on frequencies **1622, 2058, 2150** and **2790 kc.**, 25 watts.

WJRA—WJR, The Goodwill Station, Detroit, Mich., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1646, 2090, 2190** and **2830 kc.**, 250 watts.

WFYA—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1606, 2022, 2102,** and **2758 kc.**, 100 watts.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Granted modification of C. P. to make changes in equipment.

WING—WSMK, Inc., Dayton, Ohio.—Granted license to cover C. P. authorizing move of transmitter site locally, installation of new equipment and DA for night time operation, and increase in power from 250 watts night and day, to 250 watts night, 500 watts day, unlimited time instead of simultaneously day and SH-N; DA for nighttime operation.

WCHD—City of Martinsburg, W. Va.—Granted C. P. for new municipal police station, frequency **2490 kc.**, 100 watts (rated 140 watts). Also granted license to cover same.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—Scheduled oral argument for September 21, 1939.

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Scheduled oral argument for September 21, 1939.

NEW—Brown County Broadcasting Co., Brownwood, Tex.—Scheduled oral argument for September 21, 1939.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted special temporary authority to rebroadcast Washington National Guard planes in radio maneuvers in connection with American Legion Convention and interest of national defense; Guard planes using government equipment on **3485 kc.**, 9 to 9:30 p. m., PST, August 22.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 8:30 p. m., CST, August 14, in order to broadcast District Softball Tournament.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS August 7:15 p. m., September 6:30 p. m., CST) for the period August 16 to September 14, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of local interest from Mutual Broadcasting System.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 9 p. m. to 12 midnight, EST, August 14, in order to broadcast Macon-Spartanburg baseball game with special ceremonies in celebration of baseball's 100th anniversary.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted special temporary authority to use relay broadcast transmitter KABF for location tests at KMJ on frequency **580 kc.**, with power of 50 watts, between the hours 9 and 6 a. m., PST, for the period August 11 to August 18.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m. August 18 to 1 a. m., AST, August 19, in order to broadcast graduation exercises of Gomez Commercial School.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted authority to take depositions on August 28 in re the rehearing on application, Docket 4986.

WPRA—Puerto Rico Advertising Co., Mayaguez, P. R.—Denied petition to intervene in hearing on application of WPRP to increase power.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF with reduced power of 250 watts, from 8 to 10 p. m., CST, August 22, in order to permit WGBF to broadcast Ambers-Armstrong lightweight championship fight.

WGBF—Evansville on the Air, Evansville, Ind.—To operate simultaneously with KFRU as above in order to broadcast fight.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from local sunset (August 6:30 p. m., CST) to 7:30 p. m., CST, August 15, in order to carry and feed network as Salute to the Louisville and Nashville Railroad Co. crack passenger train "The Panamerican" while in WMFO territory on occasion their sixth anniversary, using 50 watts power.

NEW—United Theatres, Inc., San Juan, P. R.—Granted motion to extend time until August 23 for filing opposition to petition of Enrique Abarca Sanfeliz to reopen hearing in re Dockets 5298 and 4610.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Dismissed without prejudice application of WJBK for C. P. to change frequency, increase power, and install new equipment.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS August 7:15 p. m., September 6:30 p. m., CST), for the period August 16 to September 14, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of local interest from the Mutual Broadcasting System. (NOTE: This item was erroneously included in action taken by Commissioner Walker on August 12, in Report No. 575—Decisions of Commission (Mimeo. No. 35695), dated August 15.)

APPLICATIONS FILED AT FCC

NEW—Puerto Rico Advertising Company, Inc., San Juan, P. R.—Construction permit to erect new station to be operated on **1500 kc.**, 250 watts power, unlimited time.

WHEB—Granite State Broadcasting Corporation, Portsmouth, N. H.—Construction permit to install new transmitter and vertical antenna; increase power from 250 watts to 1 KW; move transmitter from Bean's Hill, Newington, N. H., to U. S. Highway No. 1, Portsmouth, N. H., and studio from 39 Congress St., Portsmouth, N. H., to U. S. Highway No. 1, Portsmouth, N. H. (**740 kc.**).

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Authority to install automatic frequency control apparatus (**1280 kc.**).

WJZ—National Broadcasting Company, Inc., New York, N. Y.—Modification of license to increase power of auxiliary transmitter from 25 to 30 KW (**760 kc.**).

NEW—Bamberger Broadcasting Service, Inc., New York, N. Y.—Construction permit for a new television broadcast station located at 1450 Broadway, New York, N. Y., on **84,000-90,000 kc.**, 1 KW power, A3, 5.

WSPD—The Fort Industry Co., Toledo, Ohio.—Construction permit to increase power from 1 KW, 5 KW LS, to 5 KW day and night; install directional antenna for use at night (**1340 kc.**).

WCKY—L. B. Wilson, Inc., Covington, Ky.—License to cover C. P. (B2-P-2082) to increase power, make changes in equipment, install directional antenna for use day and night (**1490 kc.**).

KOME—Oil Capitol Sales Corp., Tulsa, Okla.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power at night. Amended to change name from Harry Schwartz to Oil Capitol Sales Corporation (**1310 kc.**).

KONO—Eugene J. Roth, tr/as Mission Broadcasting Co., San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (**1370 kc.**).

NEW—Joe W. Engel, Chattanooga, Tenn.—Construction permit for new station to be operated on **1370 kc.**, 250 watts, unlimited time.

NEW—Knoxville Broadcasting Co., Knoxville, Tenn.—Construction permit for new station to be operated on **1210 kc.**, 250 watts, unlimited time.

NEW—Ralph M. Lambeth, Greensboro, N. C.—Construction permit for new station to be operated on **1370 kc.**, 250 watts, unlimited time.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification of C. P. (B3-P-2058) for new equipment, increase in power, change in hours of operation and move, requesting approval of antenna and approval of transmitter site at Castle Hayne Road, Wilmington, N. C. (**1370 kc.**).

WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Voluntary assignment of license from Board of Regents, University of Wisconsin, to State of Wisconsin, Department of Agriculture (**900 kc.**).

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—License to cover C. P. (B4-P-2395) to move transmitter (**1200 kc.**).

WEAU—Central Broadcasting Co., Eau Claire, Wis.—License to cover C. P. (B4-P-2302) for increase in power and equipment changes. **(1050 kc.)**.

KARM—George Harm, Fresno, Calif.—Construction permit to install new transmitter, change frequency from **1310 kc.** to **1430 kc.**, and increase power from 100 watts to 1 KW **(1310 kc.)**.

KOIN—KOIN, Inc., Portland, Ore.—Construction permit to install directional antenna for night use and increase power from 1 KW, 5 KW LS, to 5 KW day and night **(940 kc.)**.

WPRP—Julio M. Conesa, Ponce, P. R.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night and change hours from specified to unlimited time. **(1420 kc.)**

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 250 watts night, 500 watts day to 5 KW and move transmitter. **(630 kc.)**

W1XSL—WDRC, Inc., Hartford, Conn.—Modified construction permit (B1-PEX-24) to extend completion date from 9-9-39 to 11-9-39.

W1XOK—The Yankee Network, Inc., Boston, Mass.—Modified license to change power without new construction from 50 watts to 250 watts.

WJAC—WJAC, Inc., Johnstown, Pa.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1370 kc.)**

WMPC—First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1200 kc.)**

WRAK—WRAK, Inc., Williamsport, Pa.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night. **(1370 kc.)**

WBTM—Piedmont Broadcasting Co., Danville, Va.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1370 kc.)**

WWSW—Walker and Downing Radio Corp., Pittsburgh, Pa.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1500 kc.)**

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1310 kc.)**

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1210 kc.)**

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1210 kc.)**

WJHL—W. Hanes Lancaster & J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1200 kc.)**

KRIC—KRIC, Inc., Beaumont, Texas.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1420 kc.)**

WAPI—Ala. Polytechnic Inst. Univ. of Ala., Ala. College (Board of Control of Radio B/C Station WAPI, Birmingham, Ala.—Construction permit to install new transmitter, directional antenna for day and night, change frequency from **1140** to **1070 kc.**, power from 5 KW to 50 KW, hours from simultaneously D, S-KVOO night to unlimited, and move transmitter. Amended: To give transmitter site as 9 miles north of Birmingham. **(1140 kc.)**

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1210 kc.)**

WRJN—Racine Broadcasting Corp., Racine, Wisc.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1370 kc.)**

KOBH—Black Hills Broadcast Co. of Rapid City, Rapid City, S. Dak.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night. **(1370 kc.)**

KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—License to cover construction permit (B4-PRY-177) for new relay broadcast station.

The following applications have been received and returned:

WICA—WICA, Inc., Ashtabula, Ohio.—Modified construction permit (B2-P-2316) for increase in power and new equipment, requesting further changes in equipment (old form) **(940 kc.)**.

KGKL—KGKL, Inc., San Angelo, Tex.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night (duplicate application) **(1370 kc.)**.

NEW—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, Jacksonville, Ill.—Construction permit for new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time (Section 1).

NEW—Mollin Investment Co., Riverside, Calif.—Construction permit for new broadcast station to be operated on **1390 kc.**, 250 watts, daytime (transmitter site).

WFTC—Jonas Weiland, Kinston, N. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

The following applications have been returned:

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequency from **26300 kc.** to **25300 kc.** to comply with new rules. (Request of applicant.)

W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequencies from **31600, 35600, 38600** and **41000 kc.** to **25250 kc.** to comply with new rules. (Request of applicant.)

WCMW—Arthur Faske, Brooklyn, N. Y.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (Rule 1.368).

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (Rule 15.16).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (Section 1.367).

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (Section 1.367).

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (Section 1.367).

WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night (Section 15.16).

FEDERAL TRADE COMMISSION ACTION

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Leon E. Van Laethem, trading as **Van Products Company**, New Milford, N. J., was ordered to discontinue misleading representations in the sale of **"No-No Germ Control"**.

The respondent's preparation was found to be a formaldehyde solution effective as an antiseptic rather than as a germicide.

Under the order, the respondent is to cease representing directly or by implication that "No-No Germ Control", or any similar preparation, is a germicide; will kill germs which cannot be reached by powder or liquid preparations; will prevent pregnancy or is a competent and effective contraceptive, or is non-irritating and odorless.

The respondent was further ordered to discontinue representing that his product will clear the nasal passages, reduce swollen membranes or clear away mucous; is an effective treatment for head colds or hay fever; will remove calluses or bunions, or relieve pains caused thereby.

It was also ordered that the respondent cease the dissemination of advertisements which fail to reveal that his preparation is not a wholly safe drug to be used by the lay public in self-medication. (3743)

Usona Shirt Company, 230 Fifth Ave., New York, was ordered to discontinue misleading representations in the sale and distribution of textile fabrics including men's shirts.

The order prohibits the respondent from using the words "Shrunk", "Pre-Shrunk", or "Full Shrunk", or similar words, to describe any fabric which is not shrink-proof or non-shrinkable, or which has not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left.

The respondent is further ordered to cease using the words "Custom Made", or similar words, to designate products which are not made especially for each individual customer, and to discontinue representing that its products possess a quality, grade, character or condition superior to, or different from, that which they actually possess. (3842)

Ostrex Company, Inc., New York, was ordered to discontinue misleading representations in the sale and distribution of a medicinal preparation designated as **"Ostrex"**, or any similar product.

Under the order, the respondent is to cease representing that the use of "Ostrex" has any beneficial effect on the blood unless such representation is limited to those cases of persons having an abnormal blood count and hemoglobin percentage and having a type of anemia which may be beneficially affected by the administration of iron; that its use is beneficial in stimulating or invigorating any glands of the human body, unless such representation is limited to the effectiveness of the iodine and calcium contained in the preparation on the thyroid or parathyroid glands, and that "Ostrex" will carry new life and power to nerve cells or will invigorate or revitalize weak organs of the human body. (3354)

Julius M. Firk, trading as **Strauss Tailoring Company, Federal Tailoring Company, Bell Tailoring Company, and Arlin Tailoring Company,** 224 South Wells St., Chicago, was ordered by the Federal Trade Commission to discontinue misleading representations in the sale and distribution of men's clothing. (3788)

T. Noonan & Sons Company, 38 Portland St., Boston, was ordered to discontinue false representations in the sale and distribution of **"Noonan's Vitamin F Scalp Cream"**, or any other similar product.

Under the order, the respondent is to cease advertising that dandruff or itching scalp, singly or in combination, are a usual cause of baldness in the male or impairment of the texture or color of the hair in the female, or that its preparation will permanently eradicate dandruff or itching scalp, invigorate the roots of the hair, prevent the natural oil of the scalp from being lost and the hair from falling out, avert baldness, promote the growth of new hair, restore unhealthy hair to health, or have more than a transitory effect upon the texture or appearance of the scalp or hair.

The order also prohibits the respondent from representing that any condition of the hair or scalp is due to a dietary deficiency, or that "Noonan's Vitamin F Scalp Cream" contains "Vitamin F." (3640)

William C. Steffy and G. V. Parkinson, trading as **Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company and China Sales Syndicate,** 549 West Washington Boulevard, Chicago, were ordered to discontinue false representations in the sale and distribution of silverware, earthenware, chinaware, radios or sales promotional plans, and to also discontinue the use of lottery methods in the sale of merchandise.

Under the order, the respondents are to cease representing through the use of the term "Rogers Silverware", or similar terms, that they are connected with the manufacturers of Simon L. and George H. Rogers Silverware, or that premium certificates, cards, coupons or similar devices can be redeemed in Simon L. and George H. Rogers Silverware. The order further directs the respondents to discontinue claims that they are connected with any other manufacturer of silverware, chinaware, or earthenware or that their certificates, cards, or coupons are redeemable in any merchandise unless that is a fact and unless the terms of such offers are clearly stated.

The order further forbids the respondents' representing that they are conducting any special campaign on behalf of a manufacturer or that they are dealing in any locality exclusively to any purchaser, unless these are the facts. The respondents are also ordered to cease making representations as to refunds they will give purchasers of premium certificates, cards or coupons, or that they will supply to their customers without charge display sets of silverware, unless the terms of such offer are clearly stated.

The respondents are further prohibited from misrepresenting the retail price of radios; selling any merchandise by means of a lottery scheme, or supplying others with lottery devices so as to enable such persons to sell any merchandise.

It is also ordered that the proceeding in relation to Lorina Steffy, mentioned as a respondent in the Commission's complaint, be closed without prejudice. (3238)

Isadore H. Lukacher, trading as **Casa Blanca Cigar Company** and as **Belvedere Tobacco Company,** and **Bert Lukacher,** both of York, Pa., were ordered by the Federal Trade Commission to discontinue misleading representations in the sale and distribution of cigars.

The order directs the respondents to cease using the term "Havana" or "Vuelta Havana" or any other terms or picturizations indicative of Cuban origin, or descriptive of Cuba, to refer to cigars which are not made entirely from tobacco grown in Cuba; representing, through the use of the term "Made in Tampa", or any similar term, that cigars which have not been made in Tampa, Fla., are Tampa cigars or have been made in Tampa, Fla., and using the term "Cuban Workmanship", or any similar term, to refer to cigars which have not been made by Cubans or by the Cuban style of workmanship.

The respondents were also ordered to cease using the term "Havana Blend" or any similar term to designate cigars which do not contain a substantial amount of tobacco grown in Cuba. (3589)

The Commission has dismissed its complaint in which **Hitt Fireworks Company,** Seattle, Wash., had been charged with disseminating misleading representations in the sale of fireworks and firecrackers. (3382)

John Grey The Fur Designer, Inc., 350 Seventh Ave., New York, was ordered to discontinue false representations in the sale and distribution of patterns for fur coats and fur clothing.

The Commission finds that the respondent had falsely advertised that its patterns were made in Paris, France, and designed by French designers there. (3658)

James Heddon's Sons, Dowagiac, Mich., was ordered to discontinue misleading representations in the sale and distribution of its **"Improved Heddon Pal"** hollow steel fishing rod, or other fishing rods.

Under the order, the respondent is to cease representing that all hollow steel fishing rods, other than its own, have walls which are thicker at the butt than at the tip; representing in incorrect proportion the relative thickness of the walls at the tip and butt of respondent's or other hollow steel fishing rods, or making representations relative to tests of its own or other fishing rods, unless such tests were made by competent persons independent of the respondent, provided that if such tests are made by persons not independent of the respondent, the connection of such persons with the respondent must be clearly stated. (3792)

COMPLAINTS

The Commission has issued the following complaints:

Walter Kidde & Co., Inc., 140 Cedar St., New York, was charged with dissemination of misleading representations in the sale and distribution of fire-extinguishing equipment, including carbon dioxide fire-extinguishing apparatus having the trade name **"Lux".** (3866)

The Commission issued a complaint against Edward L. Jenkins and Mildred Jenkins, trading as **Antisepto Products Company, Antisepto Products, Educational Products Company, Sanitol Products Company, XL Products Company and XL Products,** 3335 Belle Plaine Ave., Chicago, charging false representations in the sale of medicinal preparations.

The complaint alleges that the respondents had falsely represented **"Guaranteed Antisepto Anti-Delay Compound Regular"** and **"Guaranteed Antisepto Anti-Delay Compound Super**

Strength" as being safe, competent and effective treatments for delayed menstruation.

It is further alleged that respondents' **"Guaranteed Prosaid Gland Medicine Double XX"** and **"Guaranteed Prosaid Gland Medicine Triple XXX"**, are not competent, safe, or effective treatments for prostate gland weakness, as advertised. (3867)

The Commission has amended its complaint issued in June, 1932 in which Joseph A. Villone, trading as **Excelsior Hat Works**, 275 Fifteenth St., Jersey City, N. J., was charged with failing to designate renovated hats as such, thus indicating to the purchasing public that they were new hats. (2046)

Movie Cosmetics Corporation and W. K. Max Hassenstein, Hollywood, Calif., were charged with dissemination of misleading representations in the sale and distribution of hair waving preparations and devices.

Representations that the respondents' hair waving preparations and devices are the first or only of their kind are false, the complaint charges. It is further alleged that the respondents have not, as advertised, conducted a constant search for ideas and methods to aid women in their quest for charm, nor have they finally solved such problems. The respondents, the complaint continues, falsely advertise their preparations and devices as representing the completed result of seven years of experimentation and tireless efforts of hair experts and scientists, when this is not the fact. (3864)

The Commission has issued a complaint against Robert C. Oberlin, trading as **Research Products Co.**, 3170 Berkshire Road, Cleveland Heights, Ohio, alleging false and misleading representations in the sale of medicinal preparations.

The complaint alleges that **"Dupree Pills"**, **"Dupree Double Strength Pills"** and **"Dr. Gordon's Special Formula Double Strength Pills"**, which the respondent represents as treatments for delayed menstruation, do not, as advertised, constitute competent, safe and harmless treatments therefor. It is also charged that the respondent's advertisements are false in that they fail to reveal that use of the preparations under the conditions prescribed in the advertisements or under customary or usual conditions may result in serious and irreparable injury to the health of users.

The complaint further alleges that the respondent's preparation known as **"Van Dyke Dutch Brand Haarlem Oil Capsules"** is not, as claimed, a remedy for ailments of the prostate gland or the kidneys or bladder, nor is it a cure for rheumatism, sleeplessness, nervousness or pains in the back, nor will its use serve to flush poisons out of the kidney or bladder.

The respondent falsely advertises another preparation designated as **"Dr. Gordon's Vitam-Perles"** or **"Vitamin E Perles"**, the complaint continues, since it has no potency as a tonic or nerve stimulant for either male or female, nor is it a cure or remedy for lack of ambition, loss of strength, loss of blood or anemia, or run-down condition. (3863)

Philip Morris & Co., Ltd., Inc., a Virginia corporation, 119 Fifth Ave., New York, was charged, in a complaint issued by the Federal Trade Commission, with the dissemination of misleading representations in the sale and distribution of cigarettes designated as **"Philip Morris"**, **"English Oval"**, **"Player's Navy Cut"** and **"Marlboro"**.

The respondent's cigarette containers are alleged to contain printed matter bearing the following depictions:

"Established over 80 years"
"FACTORIES
London, Cairo, Hamilton, Canada, Richmond, Va."
"Agents and Depots all over the world"
"Established by
John Player & Sons,
England."

According to the complaint, these and other advertisements had falsely represented the respondent as being established for over eighty years and as having factories in Cairo, Egypt, and in Hamilton, Canada, when such were not the facts. It is further alleged that the respondent does not maintain warehouses all over the world, as advertised.

The complaint further charges the respondent with having falsely represented that it was an English corporation and that it held a warrant entitling it to display the British Royal Arms, when such was not the truth. The respondent's representations are also allegedly false in that they represent "Philip Morris", "English Ovals" and "Player's Navy Cut" cigarettes as being manufactured in England, when this is not a fact.

"Players Navy Cut" cigarettes, the complaint continues, are not manufactured by John Player & Sons, as indicated on the containers, nor are they the same cigarettes as those generally and widely sold in England under that name. (3865)

Oppenheim, Collins & Company, Inc., 33 West 34th St., New York, is charged with misleadingly representing its furs and fur garments.

It is alleged in the complaint that the respondent designated certain of its furs and fur garments in conspicuous type, as "HUDSON SEAL", "MENDOZA BEAVER", "FRENCH SEAL", "CARACUL", "BLACK CARACUL" and "BROWN CARACUL". In connection with such designations, the complaint continues, certain of the advertisements contained in a less conspicuous form, either as an asterisked footnote or as a parenthesized phrase, the words "dyed muskrat" or "dyed rabbit" or "dyed kidskin". (3869)

STIPULATIONS

The Commission has entered into the following stipulations:

C. Howard Hunt Pen Company, Camden, N. J., entered into a stipulation to discontinue misleading representations in the sale and distribution of fountain pen points.

The stipulation states that the respondent designated certain of its pen points with the words "Durium," "Durium Tipped", "Durium Pointed", "Duridium", "Warranted Durium", "Warranted Durium Tipped", "Guaranteed Durium Tipped" and "Warranted Duridium", when in fact such pen points were made of chromium steel or stainless steel alloy, there being no substances known to science or industry at "Durium" or "Duridium". (2506)

Gore Products, Inc., New Orleans, La., agreed to discontinue the dissemination of misleading representations in the sale and distribution of a medicinal preparation designated **HF**, for the treatment of Athlete's Foot.

According to the stipulation, the respondent is to cease representing directly or by implication that HF is a remedy, a complete treatment or cure for Athlete's Foot; that other preparations or treatments are not beneficial in the treatment of Athlete's Foot, or will not contact or reach the parasites causing this disease; that HF will "rid" a person of this disease; that HF will cause any part of the body to become well or healed, or that it will eradicate the germs or parasites causing Athlete's Foot. (02417)

Joseph H. Goldstein and Moe Siegle, trading as **Goldstein & Levin**, New York, entered into a stipulation in which they agreed to cease representing directly or by implication that dresses or other articles of merchandise sold by them are made in, or imported from, London, England, or any other foreign country, when such is not the fact. (2505)

Louis Shapiro and Wm. J. Mishel, trading as **Tanners Shoe Company**, 493 C St., Boston, agreed to discontinue misleading representations in the sale and distribution of shoes and clothing.

Under the stipulation, the respondents are to cease representing that their firm is the oldest of its kind in the United States, or the largest of its kind in the world; that no shoe store in the world can place before a customer the range of styles, sizes and widths that the advertisers or any of their agents can offer; that the wearing of their shoes will keep normal feet healthy; that the shoes afford greater comfort than anyone has ever known, or that a person will make any definite number of sales within a definite period of time. (02416)

Vadsco Sales Corporation and its subsidiary, **Delettrez, Inc.**, 2109 Borden Ave., Long Island City, N. Y., agreed to discontinue misleading representations in the sale and distribution of a cosmetic preparation designated **"Delettrez Cleansing Cream."**

According to the stipulation, the respondents will cease representing that "Delettrez Cleansing Cream" penetrates to, or has a cleansing effect upon, skin below the surface layer, or that it penetrates to the depths of the pores; that it vitalizes the skin or brings new life or a younger complexion to the skin; that it differs materially from other creams used for the same and similar purposes or that it has any influence upon the action or condition of glands in the skin or upon the size of the pores. It was further agreed by the respondents that they will cease representing that pores in the skin have any appreciable depth or are capable of holding any material amount of foreign substance, or that pores breathe.

It was also stipulated that the respondents will cease using the word "Paris" in connection with their products, or in any other way representing such preparations as being of French origin when they are manufactured, compounded, or packaged in the United States. (02415)

Rhea's, Inc., 441 Market St., Pittsburgh, entered into a stipulation to discontinue misleading representations in the sale and distribution of **"Manna Miracle Health Bread".**

By the stipulation, the respondent agreed to cease advertising that "Manna Miracle Health Bread" contains all the necessary minerals required in the dietary; is non-fattening, without qualification and irrespective of whether or not it is taken in excess of caloric requirements or used in connection with a diet exceeding caloric requirements; will correct any faulty diet; will be of value in cases of high blood pressure; will be of value in gall bladder "conditions"; will obviate the necessity for laxatives, or is a "magic" aid in promoting good health.

The respondent further agreed to cease representing that Vitamin G, or that "Manna Miracle Health Bread" by reason of its Vitamin G content, or otherwise, will prolong life or prevent skin diseases; that Vitamin B, or that "Manna Miracle Health Bread" by reason of its Vitamin B content, aids in building nerve tissue or in promoting digestion; that "Manna Miracle Health Bread" contains the most costly ingredients ever used in bread baking, or that it is the original and only bread containing all essential vitamins. (02414)

Vanetta Velvet Corporation, 1441 Broadway, New York, engaged as licensee under patents owned by **Fur Resembling Fabrics Co., Inc.,** New York, entered into a stipulation with the Federal Trade Commission in which it agreed to discontinue the use of the word "Fur" either alone or in connection with the word "Tone" or with the picturization of a leopard or other fur-bearing animal, or in any other way, so as to convey the belief to purchasers that their fabric products so designated are made from the skin or pelt of a leopard or fur-bearing animal or from a fabric of fur, when such is not the fact. (2504)

COURT ORDER

Under the Wheeler-Lea amendment to the Federal Trade Commission Act, which provides injunctive relief in cases involving an advertised commodity the use of which may be injurious to health, the United States District Court for the Eastern District of Missouri, on August 14, enjoined Charles L. Klapp, trading as **The Cardinal Co.** and as **The Cardinal Company of St. Louis,** 406 Market St., St. Louis, from the false advertisement of a medicinal preparation described as a treatment for delayed menstruation, pending issuance, trial and disposition of a complaint under the Federal Trade Commission Act.

The decree granting the injunction was a consent decree. It prohibited dissemination of advertisements which represent the respondent's preparation, **Fema-Lade,** as being a safe, competent and scientific treatment for delayed menstruation and as having no ill effects, and which fail to reveal that use of the preparation, under the conditions prescribed in the advertisements or under customary and usual conditions, may have serious consequences.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 34, August 25, 1939

Committee Reports on Record Licenses

After an all-day conference about licenses Thursday with representatives of three leading phonograph record companies, a special NAB committee issued the following statement:

> "A committee of the industry met with representatives of the Columbia Recording Corporation, Decca Records and the RCA Manufacturing Company, and discussed at length all phases of the question. The RCA Manufacturing Company is the only company which as yet has formulated its policy and has sent out a proposed agreement. The committee requested that the arguments advanced by the committee be given thoughtful consideration and that the effective date for the contract be postponed. The RCA Manufacturing Company agreed to give consideration to this request and to advise NAB Headquarters of its decision at an early date. The Columbia Recording Corporation and Decca Records have not as yet formulated any policy and agreed to notify the NAB as soon as any policy is formulated. A full report will be made to the Directors and members at the convention in Chicago."

Broadcasters present were John Elmer, WCBM, Baltimore; John Shepard, 3rd, The Yankee Network; Alexander Dannenbaum, Jr., WDAS, Philadelphia; Walter Damm, WTMJ, Milwaukee; Clair McCollough, WGAL, Lancaster; William S. Pote, WMEX, Boston; Roger W. Clipp, WFIL, Philadelphia. The NAB was represented by Neville Miller and Edwin M. Spence.

The Executive Committee met all day Tuesday in New York, discussing code, copyright and other problems, in preparing a report for the Board of Directors which is to meet September 13 at 10 A. M., in the Palmer House, Chicago. The special copyright convention will be held in the same hotel at 10 A. M., Friday, September 15. IRNA is to meet at the Palmer House all day Thursday, September 14.

The Executive Committee met with the Copyright Negotiating Committee Wednesday, and after going over all phases of the problem as it now stands, directed Sydney Kaye, special counsel, to present to the Board on September 13 a plan for creation of a supply of music other than ASCAP numbers.

Executive Committee members at the meeting were: John Elmer, WCBM, Baltimore; Herbert Hollister, KANS, Wichita; John A. Kennedy, WCHS, Charleston, West Virginia;

(Continued on page 3676)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

COMMITTEE REPORTS ON RECORD LICENSES

(Continued from page 3675)

Paul W. Morency, WTIC, Hartford, Connecticut; Harry C. Wilder, WSYR, Syracuse, New York.

The Copyright Negotiating Committee consists of Major Lenox R. Lohr, NBC; Edward Klauber, CBS; Sam Rosenbaum, WFIL; John Elmer, WCBM, Baltimore, and Mr. Miller. Walter Damm and John Shepard, 3rd, took part in the negotiating committee discussion with the Executive Committee.

Court Gives FCC Sweeping Regulatory Powers

A decision of momentous importance to the broadcasting industry, giving the FCC sweeping powers over the broadcasting business, has been handed down by the Circuit Court of Appeals here in the WMEX case.

Throughout the decision, the court compared the broadcasting industry to the railroads, and said, at one point, that the Communications Act was intended "to anticipate and prevent desperate and chaotic (economic) conditions" such as the railroads now face.

"In both instances the privilege of free enterprise was curtailed," the court added.

At another point, the court said:

"The Commission is authorized to regulate and to discipline existing licensees and to determine, upon the basis of their performances, whether their licenses shall be renewed."

Because of the importance of the decision, it is printed in full:

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
No. 7250
THE YANKEE NETWORK, INC., APPELLANT
v.
FEDERAL COMMUNICATIONS COMMISSION; THE NORTHERN CORPORATION, licensee of Station WMEX, Boston, Massachusetts, INTERVENER
Appeal from the Federal Communications Commission
Decided August 14, 1939.

Paul D. P. Spearman, Alan B. David, and *Frank Roberson,* all of Washington, D. C., for appellant.

Hampson Gary, William H. Bauer, Fanney Neyman, William J. Dempsey, and *Andrew G. Haley,* all of the Federal Communications Commission, for appellee.

Arthur W. Scharfeld, Philip G. Loucks, Joseph F. Zias, and *J. P. Tumulty,* all of Washington, D. C., for intervener.

Before GRONER, Chief Justice, and STEPHENS and MILLER, Associate Justices.

MILLER, *Associate Justice:* Prior to May 29, 1936, eight radio broadcasting stations—including the stations now owned by appellant and intervener herein—were operating in and near Boston, Massachusetts. On that date Intervener, The Northern Corporation (WMEX) was operating on the frequency of 1500 kilocycles, with power of 100 watts night, 250 watts day, local sunset, unlimited time. It applied for a construction permit to operate on the 1470 kilocycle frequency, with 5 kilowatts power, unlimited time, using directional antenna both day and night. The Communications Commission granted the application, without a hearing subject to protest. Thereafter protests were filed by Bay State Broadcasting Corporation (WAAB), appellant's predecessor in interest, and by three other radio broadcasting station licensees. After appearances and hearing the Examiner recommended that all protests be dismissed and the application granted. The Commission acted accordingly, following oral arguments, and issued an order dated May 25, 1938, granting the application of WMEX, effective June 4, 1938. The Yankee Network, Inc., successor in interest of Bay State Broadcasting Corporation, and other licensees, filed petitions for rehearing, which were denied on September 6, 1938, and on September 24, 1938, The Yankee Network, Inc., appealed from the Commission's decision granting the application.

The Commission challenges the power of this court to hear the appeal. It contends in its brief that no appeal is contemplated by the Communications Act[1] from a decision of the Commission granting an application—on behalf of an existing licensee claiming to be economically affected. On oral argument it expanded its contention to include any possible grievance or affectation of interest, electrical, economic or otherwise, although in the present case, aggrievance resulting from affectation of economic interest is alone involved. In *Journal Co.* v. *Federal Radio Comm.,* 48 F. (2d) 461, 463, 60 App. D. C. 92, 94,[2] we recognized the right of an aggrieved person to appeal from a decision of the Commission *granting* an application. Moreover, we have recently decided the issue, adversely to the Commission's contention in *Sanders Bros. Radio Sta.* v. *Federal Communications Comm.,* (No. 7087, decided January 23, 1939) —— F. (2d), ——, —— App. D. C. ——. However, since the Commission has strenuously urged that we reconsider the problem, a thorough analysis of its arguments in the present case will conduce to a final determination of this important question.

The court's jurisdiction depends, in this case, upon the meaning of Section 402(b)(2): "An appeal may be taken . . . By any other person aggrieved or whose interests are adversely affected by any decision of the Commission *granting* or *refusing* any such application."[3] [Italics supplied] It will not be seriously contended that this language should be given its broadest literal meaning. Congress could not have intended to permit an appeal by any person who might suffer pain or sorrow as a result of the Commission's action, because, for instance, he might dislike, generally, all radio broadcasting, or certain phases thereof in particular. The Commission suggests that the necessary implications of the interpretation given to the appeal section in the *Sanders* case—permitting appeal by one adversely economically affected—would produce a result almost as extreme and would extend its operation to include newspapers, magazines and other advertising media of all kinds. But there is nothing in the Act to suggest that the section should be extended so far. The Act pertains to radio broadcasting. The Commission's power in this respect is confined to the regulation of those whom it licenses or declines to license to broadcast and to those who provide facilities for broadcasting.[4] Without deciding whether there may be others who come within the privilege of appeal granted by Section 402(b)(2), it seems obvious that the clause was intended to include existing licensees—assuming they are able to show, in the particular case, actual aggrievance or affectation of interest. Who could have been more in the con-

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[1] Act of June 19, 1934, c. 652, 48 Stat. 1064, 47 U. S. C. A. § 151 *et seq.*

[2] In that case it was held that before the Radio Act of 1927 was amended in 1930, a person prejudiced by the Commission's action in granting an application of another person for increased power had no right to appeal; that the Act was amended to give existing licensees just that right. This portion of the Radio Act was reenacted in the form of Section 402(b) of the 1934 Act and we can presume that the language was used in the latter Act in the same sense as in the former. Pott v. Arthur, 104 U. S. 735, 736.

[3] 48 Stat. 1093, 47 U. S. C. A. § 402(b)(2).

[4] See Telegraph Herald Co. v. Federal Radio Comm., 66 F. (2d) 220, 222, 62 App. D. C. 240, 242.

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templation of Congress as aggrieved persons than existing licensees, whose very existence and possibility of success, depend upon the wise exercise by the Commission of its discretionary powers.[5]

The Commission concedes in its brief that existing licensees may actually be aggrieved by its action in granting new applications.[6] Moreover, the Commission concedes the possibility of arbitrary action upon its part, which should be subjected to judicial review.[7] But it contends that however improperly it may have acted in a given case, this court has no jurisdiction to entertain an appeal brought by an existing licensee, under Section 402(b)(2) because, it says, an erroneous decision of the Commission invades no *legal rights* or *legal interests* of such a licensee, and under such circumstances, "this court may not, regardless of the merits of the case, assume jurisdiction." It urges that the test by which a person's appealable interest under Section 402(b)(2) may properly be determined is to inquire whether—if that section were not in effect—he would have a right to resort to the District Court for the protection of the legal right or interest which he claims to be aggrieved or adversely affected. Measured by this test, it is contended that appellant in the present case has no appealable interest, for, the Commission says, it has been held many times that, in the absence of statute, a person has no legal right to be free of competition and that injury suffered or threatened by competition is *damnum absque injuria*.[8]

However, the criterion proposed is not a proper one, for here we are dealing with rights not as they existed at common law but as they exist and are administered under an act of Congress. *Cf. Alabama Power Co.* v. *Ickes*, 302 U. S. 464, 484-485. Many of the acts which have established administrative agencies such as the Federal Communications Commission, have created rights and interests[9] as to which administrative remedies must first be exhausted before judicial review may be sought of administrative action concerning them.[10] Such rights are none the less valuable from a practical point of view.[11] The Commission concedes that if a statute confers a right upon a licensee to be protected against competition then he has a right to complain, under the authority of *Clarksburg-Columbus Short Route Bridge Co.* v. *Woodring*, 89 F. (2d) 788, 796, 67 App. D. C. 44, 52, *r'vd. on other grounds,* 302 U. S. 658. The dissent in that case, upon which the Commission relies, maintained that the statute conferred no substantive "and therefore no adjective rights" upon the party affected because the statute imposed no duty upon the Secretary of War to consider competitive effects upon that party. It is difficult to reconcile the Commission's position respecting that case with its admission that the Commission—in determining whether public interest, convenience and necessity will be served by the granting of a new license—must consider the effect thereof upon existing licensees.

No language of the present Act, relating to grants of rights to licensees, suggests an intent to recognize or to vitalize any common law rights in radio broadcasting or in the use of frequencies therefor. Some of its language definitely repudiates the idea.[12] The purpose expressly declared in Section 301, and revealed in subsequent sections, is inconsistent with recognition of common law rights. But the Act does definitely recognize the *rights* of license holders in express terms no less than seven times.[13] Moreover, in Section 606 of the Act licensees are referred to as *owners* of stations. And their ownership is recognized by the Commission in its brief where it says: "It should be noted that as of the date this appeal was taken, Stations WNAC and WAAB were owned and operated by the same licensee, namely, The Yankee Network, Inc." This admission must be read in the light of the fact that no person is permitted to use or operate a radio broadcasting station in the United States except pursuant to a license granted under the provisions of the Communications Act (§ 301). The Act provides that one shall be guilty of a crime if he does wilfully and knowingly operate such a station without a license (§ 501), or even if he shall wilfully and knowingly violate any rule, regulation, restriction or condition made or imposed by the Commission under authority of the Act (§ 502). It is apparent, therefore, that a radio broadcasting station is valueless without a license to operate it. It is equally apparent that the granting of a license by the Commission creates a highly valuable property right, which, while limited in character, nevertheless provides the basis upon which large investments of capital are made and large commercial enterprises are conducted.[14] As it is the purpose of the Act to secure the use of the channels of radio communication by private licensees under a competitive system, those licensees must be protected in that use, not merely from unlicensed stations[15] and unlicensed operators,[16] but from improper activities of licensed stations[17] and operators[18] and from arbitrary action by the Commission, itself, in the exercise of its regulatory power.

In asserting its rights as a licensee, appellant is not limited, therefore—as the Commission's argument seems to imply—either to the appeal section, or to the Commission's procedural rules governing intervention.[19] The legal rights or interests which are asserted in a petition for intervention are created under the Act by the grant of a license, and the same rights are asserted on appeal under either subdivision (1) or (2) of Section 402(b). The importance of intervention is that it advises the Commission of the rights or interests which are asserted, and provides opportunity for it to make a determination consistent with those rights and interests, and consistent with the public interest, convenience and necessity as well. We have held[20] that one who claims to be an interested party—if he has notice of the proposed action of the Commission—should intervene. We have held, also, that under some circumstances it may be proper and perhaps even essential for an interested person to petition for a rehearing.[21] The use of these procedural devices is not for the purpose of creating rights or interests, however, but for protecting existing rights and interests. See *Red River Broadcasting Co., Inc.* v. *Federal Communications Comm.*, 98 F. (2d) 282, 286, 69 App. D. C. 1, 5, *cert. denied,* 305 U. S. 625.

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[5] *Cf.* Telegraph Herald Co. v. Federal Radio Comm., 66 F. (2d) 220, 62 App. D. C. 240.

[6] It says: "Unquestionably, the Commission should, in determining whether the 'public interest, convenience, and necessity' will be served by the licensing of a new station in a community, give careful and painstaking consideration to the question of whether the effect of granting the new license will be to defeat the ability of the holder of any one or more outstanding licenses to carry on in the public interest. The Commission is entirely in accord with the view that, if the effect of granting a new license would be to defeat the ability of the holder of an outstanding license to carry on in the public interest, the application for the new station should be denied unless there are 'overweening' reasons of a public nature for granting it. And the Commission also believes that it is obviously a stronger case where neither licensee will be financially able to render adequate service."

[7] Upon this point it says: "It is also the Commission's position that whenever the Commission, in considering an application for a new station does not so apply the standard of public interest, convenience and necessity as required by the statute, this court, *upon an appeal properly taken*, may and should set aside the decision of the Commission."

[8] Tennessee Electric Power Co. v. Tennessee Valley Authority, (No. 27, decided January 30, 1939) —— U. S. ——; Alabama Power Co. v. Ickes, 302 U. S. 464; United States *ex rel.* New York Warehouse Wharf & Terminal Assn. Inc. v. Dern, 68 F. (2d) 773, 63 App. D. C. 28, *cert. denied*, 292 U. S. 642; Franklin Tp. v. Tugwell, 85 F. (2d) 208, 66 App. D. C. 42.

[9] See, *e.g.*, National Labor Relations Act, 49 Stat. 449, 452, 29 U. S. C. A. §§ 151, 157; Act to Regulate Commerce, as amended by Transportation Act of 1920, 41 Stat. 456, 49 U. S. C. A. § 1 (18-20); The Chicago Junction Case, 264 U. S. 258, 267; Western Pacific California R. R. v. Southern Pacific Co., 284 U. S. 47, 51.

[10] It is a well established principle of judicial administration that prescribed administrative remedies must first be exhausted before a person is entitled to judicial relief for a supposed or threatened injury. Myers v. Bethlehem Shipbuilding Corp., 303 U. S. 41, 50-51; United States v. Illinois Central R. R., 291 U. S. 457, 463.

[11] Frost v. Corporation Comm., 278 U. S. 515, 521.

[12] "Sec. 304. No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise."

[13] "Sec. 301. . . no such license shall be construed to create any *right, beyond the terms*, conditions, and periods of the license."

"Sec. 309(b)(1). The station license shall not vest in the licensee any *right* to operate the station nor any *right* in the use of the frequencies designated in the license *beyond the term* thereof nor in any other manner than authorized therein.

"(2) Neither the license nor the *right granted thereunder* shall be assigned or otherwise transferred in violation of this Act."

"Sec. 310(b). The station license required hereby, the frequencies authorized to be used by the licensee, and the *rights* therein granted shall not be transferred, assigned, or . . . disposed of . . . unless the Commission shall . . . decide that said transfer is in the public interest, and shall give its consent in writing."

"Sec. 313. . . . Whenever in any suit, action, or proceeding . . . any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court . . . may adjudge . . . that the license of such licensee shall . . . be revoked and that all *rights* under such license shall thereupon cease . . . ."

"Sec. 319. (b) . . . The *rights* under any such permit shall not be assigned or otherwise transferred to any person without the approval of the Commission. . . ." [Italics supplied.]

[14] *Cf.* Frost v. Corporation Comm., 278 U. S. 515; Alabama Power Co. v. Ickes, 302 U. S. 464, 484; Campbell v. Arkansas-Missouri Power Co., 8 Cir., 55 F. (2d) 560, 562.

[15] Section 301.

[16] Sections 303 (l), 318.

[17] Section 312(a).

[18] Section 303(m).

[19] Rules No. 105.20, 102.6, 106.7, F. C. C. Rules, approved Dec. 18, 1935; see also rules No. 6.02, 3.06. 12.50. F. C. C. Rules, effective Jan. 1, 1939; and rules No. 1.102. 1.54. 1.204, F. C. C. Rules, effective Aug. 1, 1939.

[20] Red River Broadcasting Co., Inc. v. Federal Communications Comm., 98 F. (2d) 282, 69 App. D. C. 1, *cert. denied,* 305 U. S. 625.

In the same manner as the rights and equities of licensees are statutory in character so are their remedies.[22] The Commission is empowered by the Act to grant or deny an application for a station license.[23] But the applicant is privileged to appeal from an adverse decision.[24] The Commission is authorized to regulate and to discipline existing licensees, to modify their licenses and to determine, upon the basis of their respective performances, whether their licenses shall be renewed. But if the Commission decides their applications for modification or renewal adversely, such licensees are entitled to appeal.[25] A radio operator whose license has been suspended is entitled to appeal from the Commission's decision.[26] Provision is made by Section 606 of the Act that an existing licensee whose radio station is closed or whose station and equipment are used or controlled by the Government during war, threat of war, public peril, disaster or emergency or to preserve the neutrality of the United States, shall be given compensation therefor. In fact express provision is made for suit by such licensee against the United States to recover compensation.[27] In none of these situations can it be contended that a legal right or legal interest known to the common law, must be violated before the privilege of appeal may be enjoyed. And in none of them would a licensee be privileged to assert its rights and equities except in the manner prescribed by the statute.[28] To contend that an administrative remedy provided under such circumstances must be interpreted in terms of rights which might have been protected in a court of law, would beg the question.

By the same token the Commission's contention fails when applied to the appellant in the present case. There is no difference between its rights and equities and those of the licensees mentioned in the preceding paragraph. In each case they are the statutory rights referred to throughout the Act, and which arise from the granting of the license. In each case they are the equities to which the Supreme Court referred in the *Nelson Brothers* case.[29] It was equally the intention of Congress to protect the rights and equities of licensees against arbitrary action of the Commission in one case as in the other.

In an effort to distinguish the *Nelson Brothers* case[30] and to show that our reference to it was unjustified in our recent decision in the *Sanders Brothers* case,[31] the Commission urges that Nelson Brothers had a *statutory right* to appeal. It is for exactly that reason that all three cases are analogous. In the *Nelson Brothers* case, as in the present case, the owner of an existing station applied for the allocation of another frequency. The frequency applied for happened to be the one theretofore assigned to Nelson Brothers. The latter protested, but the Commission nevertheless granted the application and Nelson Brothers appealed from its decision. In that case—upon the applicant's suggestion[32]—the Commission included in its order the deletion of the Nelson Brothers station. It should be noted, therefore, that in that case, as in the present case, the appeal was from a decision granting—not denying—an application. It is true, as the Commission contends, that the injury suffered or to be suffered in the *Nelson Brothers* case resulted from a reallocation of frequencies and a deletion of an existing station. But it may be equally disastrous to the first licensee, for the Commission to license so many new competing stations as to destroy it. There would be no value in a *right* to use a designated frequency or in *equities* relating thereto—which would justify the great financial outlays involved in station construction and operation—if the licensee were not protected from destructive competition. Equities and rights do not exist in a vacuum but in relation to the total situation of which they are a part. The Commission has control of that situation, by virtue of its power to grant or deny licenses. But the power is not absolute. "In granting licenses the Commission is required to act 'as public convenience, interest or necessity requires.' This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co.* v. *United States,* 287 U. S. 12, 24. The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services, and, where an equitable adjustment between States is in view, by the relative advantages in service which will be enjoyed by the public through the distribution of facilities. In making such an adjustment the equities of existing stations undoubtedly demand consideration. They are not to be the victims of official favoritism."[33]

The only difference, therefore, between the situation of the present case and those contemplated in Section 402(b) (1) is the way in which the threatened destruction of appellant's rights and equities is alleged to have occurred. This is no sufficient difference to require us to hold that Congress intended to limit aggrieved persons or interested persons to those whose applications had been denied or to those possessed of legal rights known to the common law. If it had so intended it could easily have said so. As it did not, and as reason and justice require the opposite result, the conclusion follows logically that the appellant is definitely the person whom Congress had in mind in Section 402(b) (2). This becomes particularly obvious when we consider that to accept the argument of the Commission on this point would not only leave the licensee without opportunity for any relief whatever, even from action so arbitrary as to destroy it, but would deprive Section 402(b) (2) of meaning and eliminate it from the Act as effectively as if it were repealed. We cannot impute to Congress an intent to produce an absurd result.[34] "There is a presumption against a construction which would render a statute ineffective or inefficient or which would cause grave public injury or even inconvenience."[35] It would require a statute susceptible of no other possible interpretation to persuade us to adopt such a construction in the present case. In order to safeguard the great values of administrative procedure it is necessary to avoid extremes of administrative absolutism.

In our decision in the *Sanders Brothers* case,[36] we referred to dicta which appears in previous decisions of this court;[37] and to the opinion of Justice Groner in the *Jenny Wren* case.[38] The latter paraphrases language—originally used in the *Texas and Pacific* case[39]—to describe the underlying purpose of the Communications Act as follows: " . . . the act recognizes the preservation of the earning capacity, and conservation of the financial resources, of the individual broadcasting station as a matter of national concern, for the reason that the property employed must be permitted to earn a reasonable return or the system will break down; thus indicating, as it sems to me, an identical or reciprocal interest between the owner and the public, in which it is the right of either to see that competition between stations is not carried to the point of destruction."

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[21] *Ibid;* Southland Industries, Inc. v. Federal Communications Comm., 99 F. (2d) 117, 69 App. D. C. 82.

[22] Black River Valley Broadcasts, Inc. v. McNinch, 101 F. (2d) 235, 69 App. D. C. 311, *cert. denied,* U. S. . See Telegraph Herald Co. v. Federal Radio Comm., 66 F. (2d) 220, 62 App. D. C. 240. *Cf.* Old Colony Trust Co. v. Commissioner of Internal Revenue, 279 U. S. 716, 722-723; McGuire, *Judicial Reviews of Administrative Decisions,* 26 GEORGETOWN L. J. 574; Note 48, YALE L. J. 1257.

[23] Sections 307(a), 309(a).

[24] Section 402 (b) (1).

[25] *Ibid.*

[26] Section 402(b)(3).

[27] Section 606(d). *Cf.* Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 68 App. D. C. 124, holding that a license is received subject to right of the Government to withdraw it in public interest *without* compensation.

[28] See Black River Valley Broadcasts, Inc. v. McNinch, 101 F. (2d) 235, 69 App. D. C. 311, *cert. denied,* U. S. .

[29] Federal Radio Comm. v. Nelson Brothers Bond & Mortgage Co., 289 U. S. 266, 285. See opinion of Groner, J., in Sykes v. Jenny Wren Co., 78 F. (2d) 729, 734, 64 App. D. C. 379, 384. See also, Chicago Federation of Labor v. Federal Radio Comm., 41 F. (2d) 422, 423, 59 App. D. C. 333, 334: "It is not consistent with true public convenience, interest, or necessity, that meritorious stations . . . should be deprived of broadcasting privileges *when once granted to them,* which they have at great cost prepared themselves to exercise, unless clear and sound reasons of public policy demand such action. The cause of independent broadcasting in general would be seriously endangered and public interests correspondingly prejudiced, if the licenses of established stations should arbitrarily be withdrawn from them, and appropriated to the use of other stations. This statement does not imply any derogation of the controlling rule that all broadcasting privileges are held subject to the reasonable regulatory power of the United States . . ." [Italics supplied]; Telegraph Herald Co. v. Federal Radio Comm., 66 F. (2d) 220, 222, 62 App. D. C. 240, 242.

[30] 289 U. S. 266.

[31] (No. 7087, decided January 23, 1939) F. (2d) , App. D. C. .

[32] Nelson Bros. Bond & Mortgage Co. v. Federal Radio Commn., 62 F. (2d) 854, 855, 61 App. D. C. 315, 316.

[33] Federal Radio Comm. v. Nelson Bros. Bond & Mortgage Co., 289 U. S. 266, 285. And, as Justice Groner said in Sykes v. Jenny Wren Co., 78 F. (2d) 729, 734, 64 App. D. C. 379, 384: "Granting that those who operate broadcasting stations do so subject to the Commission's power of regulation, this power is not an unlimited power; and the Commission's licensees, who on the faith of the license have invested money and established a goodwill, thereafter undoubtedly have rights which, though they may be revoked in the public interest, nevertheless may not be arbitrarily or capriciously destroyed. . . . If it were otherwise, the millions of dollars invested in radio broadcasting stations would be wholly subject to the caprice or favor of the regulatory body. Such a grant of power would be so clearly unreasonable, so oppressive, and so partial as to make it unthinkable, without more, that the Congress ever intended to grant it. Yick Wo v. Hopkins, 118 U. S. 356 . . . ."

[34] " 'A well-settled rule of statutory construction enjoins courts not to attribute to the Legislature a construction which leads to absurd results.' " Red River Broadcasting Co., Inc. v. Federal Communications Comm., 98 F. (2d) 282, 287, 69 App. D. C. 1, 6, *cert. denied,* 305 U. S. 625. See United States v. Katz, 271 U. S. 354, 357; Donnelly Garment Co. v. International Ladies' Garment Workers' Union, 8 Cir., 99 F. (2d) 309, 317; United States *ex rel.* Anderson v. Anderson, 8 Cir., 76 F. (2d) 375, 378; United States v. Oregon and California R. R., 164 U. S. 526, 539; Lau Ow Bew v. United States, 144 U. S. 47, 59.

[35] United States v. Powers (No. 687, decided May 15, 1939) U. S. . See Bird v. United States, 187 U. S. 118, 124; Van Dyke v. Geary, D. Ariz., 218 F. 111, 126; Harris v. Bell, 8 Cir., 250 F. 209, 217.

[36] (No. 7087, decided January 23, 1939) F. (2d) , App. D. C. .

[37] Great Western Broadcasting Assn., Inc. v. Federal Communications Comm., 94 F. (2d) 244, 68 App. D. C. 119; Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 68 App. D. C. 124.

[38] 78 F. (2d) 729, 64 App. D. C. 379.

[39] Texas & Pacific Ry. v. Gulf, Colorado & Santa Fe Ry., 270 U. S. 266.

The Commission denies the applicability of the paraphrased language to radio broadcasting. It calls attention to the fact that in the Communications Act Congress specified a different method of regulation for common carriers engaged in interstate communication by radio than for radio broadcasters;[40] that broadcast licensees are expressly exempted, in the definition section of the Act, from the classification of common carriers;[41] and that such a licensee "has unregulated discretion to determine the rates necessary to insure the profitable operation of his station in the area served." It refers to the decision of this court in *Pulitzer Pub. Co.* v. *Federal Communications Comm.*, 94 F. (2d) 249, 251, 68 App. D. C. 124, 126, in which we said that a radio broadcasting station is a public utility in a more restricted sense than a railroad or other common carrier and that the term, "public convenience, interest, or necessity," should be given a less broad meaning than is applied to it elsewhere in public utility legislation. It contends that in the regulation of radio broadcasting Congress intended that monopolies should be prevented rather than protected; that while under the Transportation Act, the power to regulate rates and the necessity of maintaining fair competition, resulted logically in requiring that a carrier should have a right to protest against regulatory action which produced economic injury, under the Communications Act "A station owner's rights are subject to the paramount authority of Congress to exercise reasonable regulation of broadcasting." And, the Commission concludes, the interpretation placed by the Supreme Court upon the Transportation Act cannot properly be applied by analogy to that portion of the Communications Act which deals with radio broadcasting as distinguished from radio communication for hire by a common carrier.

But in spite of these differences the two Acts contain vital similarities which make analogy proper, and the conclusion of the Commission is a *non sequitur*. Radio broadcasting, the subject of one, is affected with a public interest in fully equal measure as is railway transportation, the subject of the other. Congress recognized this fact by making the Communications Act speak in terms of the public interest from beginning to end. "There is no closed class or category of businesses affected with a public interest . . . the phrase . . . can, in the nature of things, mean no more than that an industry, for adequate reason, is subject to control for the public good."[42] This court has said that the radio business is impressed with a public interest,[43] and, further, that Congress, in establishing the standard of public interest, convenience, and necessity, evidently had in mind that broadcasting should be of a public character rather than a mere adjunct of a particular business.[44] Rate fixing is only one of many regulatory procedures.[45] The fact that it is specified for carriers and not for broadcasters is by no means conclusive. In both Acts other forms of regulation are specified, which are closely similar; as for example, the power of the appropriate commission in each case to require adequate facilities.[46] The powers of regulation possessed by the Federal Communications Commission over broadcasters are comprehensive and inclusive;[47] and judicial review of its actions is highly important just as it is in the case of the Interstate Commerce Commission.

In the regulation of radio broadcasting as distinguished from transportation or radio communication, Congress was dealing with a newer and less well established form of public service. As the Supreme Court said in the *Panama Refining* case:[48] "Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the national legislature cannot deal directly. The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply." In some respects the powers delegated by Congress for the regulation of broadcasters are even more drastic than those possessed by the Interstate Commerce Commission over railroad carriers; notably the power of the Federal Communications Commission to issue licenses for short periods, and to require, each time, a full showing of financial and other qualifications, as a condition of renewal. Such a regulation applied to the railroads of the United States would probably soon disrupt them.

Congress had power to provide safeguards against destructive economic injury to existing licensees, and did so in both Acts, in order to secure a similar legislative purpose in each. In the case of the railroads Congress waited until the condition of many of them was desperate. The Commission argues that the Transportation Act and the recent Emergency Railroad Transportation Act[49] were intended "to administer oxygen to critical patients."[50] But in the case of radio broadcasters the intent of Congress was to anticipate and prevent desperate, chaotic conditions.[51] The latter form of statesmanship is equally as commendable as the former, and may serve better the interests of the people. In both instances the privilege of free enterprise was curtailed.

In each case Congress has delegated the power to regulate public utilities in interstate commerce for the purpose of safeguarding a dual interest, involving a reciprocal and correlative relationship between the public and the owner of the utility. As between the two, the public interest is of greater importance. Therein lies the justification for governmental regulation, and for placing in the hands of such administrative agencies as the Federal Communications Commission powers, which if arbitrarily exercised, may destroy the very subject of regulation. It is entirely true, as the Commission in this case argues, that "A station owner's rights are subject to the paramount authority of Congress to exercise *reasonable regulation* of broadcasting." [Italics supplied] It is equally true that carriers are subject to *similar reasonable* regulation of transportation. But it would be absurd, in one case as well as in the other, to contend that Congress intended to permit such arbitrary and uncontrolled exercise of power as would destroy meritorious and respectable licensees which had been thus selected to serve the public interest and to achieve the major purpose of each Act. We said in *Journal Co.* v. *Federal Radio Comm.*, that "The installation and maintenance of broadcasting stations involve a very considerable expense. Where a broadcasting station has been constructed and maintained in good faith, it is in the interests of the public and common justice to the owner of the station that its status should not be injuriously affected, except for compelling reasons."[52]

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[40] Communications Act, § 201 *et seq.*

[41] Communications Act, § 3(h), 48 Stat. 1064, 1066.

[42] Nebbia v. New York, 291 U. S. 502, 536; Frost v. Corporation Comm., 278 U. S. 515, 520. See Tyson and Brother v. Banton, 273 U. S. 418.

[43] Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 251, 68 App. D. C. 124, 126.

[44] KFKB Broadcasting Assn., Inc. v. Federal Radio Comm., 47 F. (2d) 670, 60 App. D. C. 79.

[45] Regulation has taken many forms: Federal regulation of labor conditions (National Labor Relations Board v. Jones & Laughlin Steel Corp., 301 U. S. 1); limiting hours of labor in particular occupations (Holden v. Hardy, 169 U. S. 366); prohibiting child labor (Sturges & Burn Mfg. Co. v. Beauchamp, 231 U. S. 320); insuring compensation for industrial accidents (New York Central R. R. v. White, 243 U. S. 188); prohibiting night work for women (Radice v. New York, 264 U. S. 292), forbidding or regulating particular business (Great Atlantic & Pacific Tea Co. v. Grosjean, 301 U. S. 412, 426-427); establishing minimum wages for women (West Coast Hotel Co. v. Parrish, 300 U. S. 379); reducing hours of labor for women (Muller v. Oregon, 208 U. S. 412; Miller v. Wilson, 236 U. S. 373), requiring public weighing of grain (Merchants Exchange v. Missouri *ex rel.* Barker, 248 U. S. 365); regulating sales in bulk of stock in trade (Lemieux v. Young, 211 U. S. 489); providing for guarantee of bank deposits (Noble State Bank v. Haskell, 219 U. S. 104); prohibiting monopolies (United Shoe Machinery Corp. v. United States, 258 U. S. 451, 462-464; United States v. Joint Traffic Assn., 171 U. S. 505, 559, 571-573); preventing unfair trade practices (Federal Trade Comm. v. Klesner, 274 U. S. 145, 151; Federal Trade Comm. v. Raladam Co., 283 U. S. 643, 647); prescribing terms upon which business may contract (Hardware Dealers Mut. Fire Ins. Co. v. Glidden Co., 284 U. S. 151).

[46] Transportation Act. 49 U. S. C. A. § 1 (21), 41 Stat. 474-478.

[47] The large scope of the Commission's regulatory powers includes the following: Power (§ 303) to classify stations; prescribe the nature of the service to be rendered by each class of stations and by each station within a class; assign frequencies to classes and to stations; determine the location of stations; regulate the apparatus to be used by each station; make regulations to prevent interference between stations; establish areas or zones to be served by stations; make special regulations applicable to chain broadcasting; require stations to keep records of programs and transmissions of energy; prescribe qualifications of station operators; classify, license, and suspend licenses of such operators; inspect radio installations; designate call letters; require painting and/or illumination of radio towers; make such rules and regulations and prescribe such restrictions and conditions not inconsistent with law, as may be necessary to carry out the provisions of the Act; (§ 308) grant station licenses; modify and review licenses; specify the form of applications and require that they set forth information concerning citizenship, character, financial, technical and other qualifications of applicants, the ownership and location of proposed stations and other information; (§ 309) determine whether station licenses, the rights therein granted, and the authorized frequencies may be transferred, assigned, or otherwise disposed of; (§ 312) revoke licenses for failure to operate as set forth therein, or for violation of or failure to observe "any of the restrictions and conditions of this Act or of any regulation of the Commission authorized by this Act"; (§ 315) make rules and regulations to carry into effect the requirement of the Act that equal opportunities must be provided for use of candidates for public office; (§ 317) announcement of sponsorship of broadcast advertising; (§ 318) make special regulations governing the use and operation of automatic radio devices; (§ 319) grant construction permits; (§ 320) designate stations liable to interfere with distress signals and to require that a licensed radio operator be kept listening in for such signals "during the entire period the transmitter of such station is in operation." Prohibitions contained in the Act, with respect to which the Commission is empowered to adopt implementing rules and regulations, include (§ 316) prohibition against broadcasting any advertisement of or information concerning any lottery, gift enterprise, or similar scheme: (§ 317) against broadcasting any matter for which service, money, or any other valuable consideration is paid without announcing that it is so paid for or furnished and by whom; (§ 326) against the uttering of obscene, indecent, or profane language by means of radio communication.

[48] Panama Refining Co. v. Ryan, 293 U. S. 388, 421.

[49] Act of June 16, 1933, 48 Stat. 211, 49 U. S. C. A. § 250 *et seq.* (Supp. 1938).

[50] Louisville & N. R. Co. v. United States, N. D. Ill. E. D., 10 F. Supp. 185, 192.

[51] General Electric Co. v. Federal Radio Comm., 31 F. (2d) 630, 633, 58 App. D. C. 386, 389: "Without such national regulation of radio, a condition of chaos in the air would follow, and this peculiar public utility, which possesses such incalculable value for the social, economical, and political welfare of the people, and for the service of the government, would become practically useless."

The Commission attempts to support its position by arguing that "one of the chief concerns of Congress, as evidenced by the reports and debates, was to guard against monopolies and to preserve competition." It is difficult to understand how this result could be achieved by deliberately or carelessly licensing so many new competing stations as to destroy already existing ones, and possibly the newly created ones as well. While it is true that it was the intention of Congress to preserve competition in broadcasting, and while it is true that such intention was written into Section 314 of the Communications Act, it certainly does not follow therefrom that Congress intended the Commission to grant or deny an application in any case, other than in the interest of the public. Just as a monopoly—which may result from the action of the Commission in licensing too few stations—may be detrimental to the public interest, so may destructive competition, effected by the granting of too many licenses. The test is not whether there is a monopoly, on the one hand, or an overabundance of competition, on the other, but whether the granting or denying of the application will best serve the interest of the public.

In order to attain the purposes of the Act, the Commission must assume the full responsibility cast upon it by Congress with respect to each applicant and each protesting licensee. In order to insure full assumption of that responsibility and full performance of its duty, in situations such as exist in the present case, Congress made the Commission's action subject to judicial review. In the absence of such possibility of review the Commission—while admitting its duty—could arbitrarily avoid it; thus indulging in an abusive exercise of its administrative discretion. While the Commission was largely occupied, in its earlier years, with finding qualified licensees and controlling electrical interference; now a new problem has developed, which is just as important as electrical interference and which the Commission must meet and solve. The rapidly increasing number of stations and the resulting competition for advertising as well as program "talent" has just as dangerous possibilities as electrical interference. The public interest requires not merely that a maximum quantity of minimum quality service shall be given. If competition is permitted to develop to that extent, then "the larger and more effective use of radio in the public interest"[53] cannot be achieved.

The method of uncontrolled competition argued for by the Commission in the present case is in fact one way of creating monopolies. If it were allowed to go on unrestrained, according to its theory of non-reviewable arbitrary power, none but a financial monopoly could safely exist and operate in the radio broadcasting field. The Commission justifies its action in the present case, and justifies its contention in theory, by assuming that if a chain, operating several broadcasting stations, or a company which owns both newspapers and broadcasting stations, is able to carry one of them financially, even though the latter station is not able to support itself, then the latter cannot protest against destructive competition. The result of this policy might well be to destroy or frighten from the radio broadcasting industry, any independent station attempting to operate on its own resources; and to leave in the field only monopolies which were sufficiently supported financially to withstand the destructive competition which might result from arbitrary, careless action upon the part of the Commission in the granting of new station licenses. It was undoubtedly with just such considerations of possible arbitrary administrative action in mind that Congress provided for judicial review under the Communications Act on behalf of any person aggrieved or whose interests are adversely affected; as it likewise did under the Transportation Act. In each instance the remedy is statutory in character, and in each instance designed to protect rights and equities also deriving from statutes in derogation of the common law.[54]

We come then to the next important question, *i.e.*, whether appellant has assigned sufficient reasons of appeal to give this court jurisdiction. The Supreme Court has held that the jurisdiction of a district court is to be "determined by the allegations of the bill, and usually if the bill or declaration makes a claim that if well founded is within the jurisdiction of the Court it is within that jurisdiction whether well founded or not."[55] Similarly, our jurisdiction on appeal under the Communications Act depends upon whether reasons of appeal are assigned, which, if well founded, would show that the appellant is a person aggrieved or whose interests are adversely affected by the decision of the Commission from which the appeal is taken.[56] If, however, upon an examination of the record we find that the appellant is not a person aggrieved or adversely affected by the order of the Commission, it then becomes our duty to dismiss the appeal. *Woodmen of the World Life Ins. Co.* v. *Federal Communications Comm.*, (No. 7208, decided April 17, 1939) F. (2d) , App. D. C.

We have held that the reasons assigned in the *Sanders Brothers* case[57] were sufficient to furnish proper grounds of contest on appeal upon the issue of "economic injury to an existing station through the establishment of an additional station." In that case the reasons given showed (1) that the appellant was a licensee under the Act; (2) that it was engaged in the operation of a broadcasting station; (3) that the Commission had granted an application for a competing station license; (4) that the operation of the proposed station would necessarily result in such severe loss of operating revenue as to impair the service rendered by appellant; and (5) destroy its ability to render proper service in the public interest. Such a showing is sufficient to present the issue on appeal.

In the present case the following reasons for appeal were assigned:

> 1. The Commission erred as a matter of law in failing to find and conclude and on the basis of such conclusion to sustain the claim of appellant (successor to and assignee of protestant before the Commission) that the financial and economic interests of Station WAAB would be adversely affected by the establishment and operation of an additional regional station in Boston.
>
> 2. The conclusion that "the protestants have failed to sustain their respective protests" is arbitrary and capricious on the record as a whole, and specifically so, in holding:
>
> (a) "The protestants have failed to establish facts to show that operation by the applicant, as proposed, would adversely affect their economic interests. There is nothing in the record indicating that the entry of the applicant into the regional field would so affect the economic welfare of the protestants, or any of them, as to have any ultimate effect whatsoever on the public interest, convenience and necessity"; and,
>
> (b) "The charge that the granting of the application under consideration would increase competition wherein the protestants will be involved and will inflict upon them pecuniary loss is mostly a matter of conjecture; and the testimony offered to sustain the charge leaves the prospect so problematic as not to furnish a present substantial basis for the protests made or for any sound judgment based thereon"; and,
>
> (c) "Station WMEX, operating as proposed and the protesting stations in the Boston area operating as at present, would serve to a large extent the same territory; and the protestants contend that if the applicant becomes a regional station and enters into competition with them for regional business, it will adversely affect their economic interests; but the protestants failed to develop any facts sufficient to indicate the extent of the competition that might result from the granting of the application or to show the effect of that competition upon the business of the protestants."

The foregoing statement of reasons fails to present an issue as to whether the anticipated competition will necessarily result in such severe loss of operating revenue as to impair the service rendered by appellant, or whether it will destroy appellant's ability to render proper service in the public interest. It falls far short, therefore, of the reasons which, on the record presented in the *Sanders Brothers* case, we held to be sufficient. In no event should the statement in the present case be regarded as a model for the future. However, reason numbered 2(a) does at least suggest the issue, and we will consider it as sufficient, solely for the purposes of this appeal.[58]

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[52] 48 F. (2d) 461, 463, 60 App. D. C. 92, 94. See Evangelical Lutheran Synod v. Federal Communications Comm., (No. 7224, decided June 26, 1939) F. (2d) . App. D. C. .

[53] Section 303(g).

[54] Western Pacific California R. R. v. Southern Pacific Co., 284 U. S. 47, 51; St. Louis Southwestern Ry. v. Missouri Pacific R. R., 289 U. S. 76, 81-83. The language of par. 20 of Section 1 of the Transportation Act, 49 U. S. C. A. § 1, par. 20, is no broader than that of Section 402(b)(2) of the Communications Act, 47 U. S. C. A. § 402(b)(2). Suit may be filed by "any party in interest." See Claiborne-Annapolis Ferry Co. v. United States, 285 U. S. 382; Detroit & M. Ry. v. Boyne City, G. & A. R. R., E. D. Mich. N. D., 286 F. 540; Bremner v. Mason City & C. L. R. R., D. Del., 48 F. (2d) 615.

[55] Utah Fuel Co. v. National Bituminous Coal Comm., 306 U. S. 56, 60. See also, Levering & Garrigues Co. v. Morrin, 289 U. S. 103, 105; Moore v. Chesapeake & Ohio Ry., 291 U. S. 205, 210; South Covington & Cincinnati Street Ry. v. Newport, 259 U. S. 97, 99-100.

[56] Sanders Brothers Radio Sta. v. Federal Communications Comm. (No. 7087, decided January 23, 1939) F. (2d) , App. D. C. , and cases there cited; Stuart v. Federal Communications Comm., (No. 7248, decided June 12, 1939) F. (2d) , App. D. C. .

[57] (No. 7087, decided January 23, 1939) F. (2d) , App. D. C. .

The Commission contends, however, that even if destructive economic competition may constitute a sufficient basis for contest on appeal, the appellant has failed to show any such injury in fact. Upon this point the Commission made the following findings, which for convenience we number:

1. "Shepard Broadcasting Company, Inc. (WNAC), Boston, operates on 1230 kilocycles with 1 kilowatt night and 5 kilowatts day; Bay State Broadcasting Corporation (WAAB), Boston, on 1410 kilocycles with 500 watts day and night; Massachusetts Broadcasting Corporation (WCOP), Boston, on 1120 kilocycles with 500 watts daytime only; and WLAC, Inc., Nashville, Tennessee, on 1470 kilocycles with 5 kilowatts, day and night."

2. "Station WMEX, operating as proposed [1470 kilocycles, 5 kilowatts unlimited] and the protesting stations in the Boston area operating as at present, would serve to a large extent the same territory; and the protestants contend that if the applicant becomes a regional station and enters into competition with them for regional business, it will adversely affect their economic interests; but the protestants failed to develop any facts sufficient to indicate the extent of the competition that might result from the granting of the application or to show the effect of that competition upon the business of the protestants."

3. "The Census of Business Radiobroadcasting for Boston (1935) when seven stations were operating, shows that their net sales of time amounted to $1,649,000; that $895,000 were for local service and $754,000 were for national and regional service. Station WMEX is already in the field competing for a part of the radio revenue to be derived therefrom. If it becomes a regional station, it will raise its service rates. (And if a redistribution of regional advertising should occur the reasons therefor would, no doubt, also tend toward a realignment of local advertising.) The protestants have failed to establish facts to show that operation by the applicant, as proposed, would adversely affect their economic interests to any greater extent than operation by the applicant, at present, adversely affects their economic interests. There is nothing in the record indicating that the entry of the applicant into the regional field would so affect the economic welfare of the protestants, or any of them, as to have any ultimate effect whatsoever on the public interest, convenience and necessity."

4. "In the protest of Shepard Broadcasting Service, Inc. (WNAC), it is claimed that if the application is granted, Station WMEX will become a direct competitor of the protestant for advertising patronage as well as a direct competitor for listener audience and attention; that such competition will tend to decrease the income of the protestant or to make it more difficult for protestant to sell time on its station; and that the value of Station WNAC as an advertising medium will thus be depreciated."

5. "The protest of Bay State Broadcasting Corporation (WAAB) is similar to that of Shepard Broadcasting Service, Inc."

6. "The protest of the Massachusetts Broadcasting Corporation (WCOP) states that the granting of the application will work an economic hardship on that protestant. The Shepard Broadcasting Service, Inc., filed no statement of profit and loss account. Bay State Broadcasting Corporation filed a statement covering a period of 34 weeks ending on September 26, 1936, and showing a loss of $24,213.22. Massachusetts Broadcasting Corporation introduced a statement covering a period of 7 months ending on January 31, 1937 showing a net loss for the period in the amount of $1,750.19."

7. "The charge that the granting of the application under consideration would increase competition wherein the protestants will be involved and will inflict upon them pecuniary loss is mostly a matter of conjecture; and the testimony offered to sustain the charge leaves the prospect so problematic as not to furnish a present substantial basis for the protest made or for any sound judgment based thereon."

Except for number seven, these findings are sufficient to support the determination of the Commission, adverse to the contention of the appellant. Number seven is ambiguous. Standing alone and read literally it suggests that the Commission was unable to determine the issue presented by appellant and the other protestants. The Supreme Court has said that it is not the duty of a reviewing court to "...search the record to ascertain whether, by use of what there may be found, general and ambiguous statements in the report intended to serve as findings may by construction be given a meaning sufficiently definite and certain to constitute a valid basis for the order."[59] That court has also said, "We must know what a decision means before the duty becomes ours to say whether it is right or wrong."[60] The use in finding number seven of language similar to that used by us in *WGN, Inc.* v. *Federal Radio Comm.*, 68 F. (2d) 432, 62 App. D. C. 385, cannot excuse its ambiguity and inadequacy. In that case the language was used to indicate the *insufficiency* of a statement of reasons on appeal. However, in view of the clear and unequivocal statements contained in findings two and three, there is sufficient basis for the Commission's determination. In fact, it was only by incorporating and denying those statements, in its reasons for appeal, that appellant succeeded in presenting the issue to us.

Moreover, we are unable to accept appellant's contention that the findings of the Commission are arbitrary and capricious. It is true that the evidence is susceptible of other conclusions than those drawn from it by the Commission; but that is not determinative. Neither is it material that this court might have arrived at other conclusions. As was recently said by the Supreme Court in *Rochester Telephone Corp.* v. *The United States,* (No. 481, decided April 17, 1939) U. S. : "So long as there is warrant in the record for the judgment of the expert body it must stand. . . . . Having found that the record permitted the Commission to draw the conclusion that it did, a court travels beyond its province to express concurrence therewith as an original question. 'The judicial function is exhausted when there is found a rational basis for the conclusions approved by the administrative body.'"[61] To hold otherwise would be to substiute the judgment of the court for that of the Commission.[62] The record as a whole reveals a substantial basis both for the Commission's findings and for its determination. This being true they are neither arbitrary nor capricious.

We have carefully examined appellant's other contentions, but in the view we take of the case we find it unnecessary to decide the qustions presented therein.

Appeal dismissed.

STEPHENS, *Associate Justice,* concurs in the result.

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[58] See Great Western Broadcasting Assn. v. Federal Communications Comm., 94 F. (2d) 244, 68 App. D. C. 119; Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 68 App. D. C. 214.

[59] Atchison, Topeka & Santa Fe Ry. v. United States, 295 U. S. 193, 201.

[60] United States v. Chicago, Milwaukee, St. Paul & Pacific R. R., 294 U. S. 499, 511.

[61] See also, Mississippi Valley Barge Line Co. v. United States, 292 U. S. 282, 286-287.

[62] Swayne & Hoyt, Ltd. v. United States, 300 U. S. 297, 304; Florida v. United States, 292 U. S. 1, 12; Federal Trade Comm. v. Pacific States Paper Trade Assn., 273 U. S. 52, 63; Federal Trade Comm. v. Algoma Lumber Co., 291 U. S. 67, 73; National Labor Relations Bd. v. Pennsylvania Greyhound Lines, Inc., 303 U. S. 261, 270, 271; Agwilines, Inc. v. National Labor Relations Bd. 5 Cir., 87 F. (2d) 146, 151: "It was therefore for the Board, where the evidence offered a reasonable choice, to draw its own inferences and conclusions. If the evidence reasonably admitted of the conclusions they drew, we are bound by them. We may not, by substituting our own conclusions for the ones they drew, reverse theirs unless those conclusions are clearly improper, that is, the evidence affords no reasonable basis for them." See also, Leach v. Carlile, 258 U. S. 138, 140; Farley v. Heininger, (7240, decided April 17, 1939 F. (2d) , App. D. C. .

FREE OFFERS

Two advertising agencies have withdrawn cost-per-inquiry proposals as a result of notification from the NAB that acceptance would constitute violation of the NAB Code of Ethics.

They were the Western Agency, Inc., Seattle, and the A. N. Baker Advertising Agency, Inc., Chicago.

The NAB is investigating a transcription offer from the Cadle Tabernacle, Indianapolis, and expects to have information available within a few days.

Lucien Lelong, Inc. (cosmetics), "Mademoiselle" (magazine), and the Kerr Glass Manufacturing Corporation (fruit jars) have sent out scripts, the use of which would constitute code violation.

"Congressional Intelligence," a Washington publication, is offering a "Washington column" in return for a plug.

The NAB has advised the Pruitt Company, Chicago, that most broadcasters feel it would be poor business practice to give a discount on advertising in return for a discount on office machinery.

ROSENBAUM SUGGESTS CHANGES IN OPERATOR REQUIREMENTS

Sam Rosenbaum, WFIL, chairman of the NAB Labor Committee, has suggested modification of the FCC requirements for renewal of operators' licenses.

In a letter to the FCC, Mr. Rosenbaum stated that it appeared that "the scope of the present knowledge requirements covered by the examination questions is incompatible with the nature of the work demanded of the majority of present radio operators" and that "a required service record of three out of five years (at the transmitter) for technical men constantly in the employ of a broadcast station and receiving intermittent transmitter operation experience interspersed with their studio work, seems to be too strict a requirement."

Mr. Rosenbaum suggested the following modification:

"For the renewal of first and second class Radio-telephone broadcast licenses with respect to operators employed on the technical staffs of broadcast stations, at least fifteen percent of the employed time shall be devoted yearly to transmitter operation over the period of the license term; or at least fifteen percent of the employed time during any four year period of the license term; or twenty percent during any three years except that the last year of the license period shall be considered as one of the years; or twenty-five percent during two years, the last year of which shall be counted as one of the years; or fifty percent of the last year prior to application for renewal, or a total of one (1) year in the aggregate over the period of the entire license term plus ninety days within the last six months prior to the date of application for renewal.

In all cases, in computing percentages, the last year of the license term shall be considered as having ten months because the application date for renewal of licenses is sixty days prior to expiration."

The pattern and effect of the above may be more conveniently studied in the following tabulations:

Service Record Requirements for the Renewal of Radio-telephone first and second class Operators Licenses

Transmitter Operation	*Aggregate*
1) 15% of the time per year for the 5 yr. license term	9 months
2) 15% of the time per year for any 4 yrs. of the license term	9 "
3) 20% of the time per year for any 3 yrs. of the license term except that the last year shall be counted as one of the years	6.8 "
4) 25% of the time during 2 yrs., the last yr. of which shall be counted as one of the years	5.5 "
5) 50% of the time of the last year prior to renewal	5.0 "
6) or, 1 year in the aggregate over the 5 year period plus 90 days during the last six months prior to renewal application	14 "

BROADCAST MEASUREMENTS

During the month of July officials of the Federal Communications Commission measured 705 broadcast stations. Of this number 629 showed a maximum deviation within 0-10 cycles; 69 stations a deviation of 11-25 cycles; 6 a maximum deviation within 26-50 cycles and one station showed a deviation of over 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings are scheduled to be held at the Commission during the week beginning Monday, August 28.

No date for a regular meeting has been designated. It is not expected, however, that a meeting will be held until after Labor Day.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

October 2

NEW—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—C. P., **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

October 3

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Renewal of license, **1370 kc.,** 50 watts, specified hours.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time (requests facilities of WSVS). Present assignment: **1370 kc.,** 100 watts, 250 watts LS; time: all hours except those WSVS operates.

October 4

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.,** 1 KW, unlimited time (DA night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KARK, Little Rock, Ark.; KFDM, Beaumont, Tex.; KFEL, Denver; KFRC, San Francisco; KFRU, Columbia, Mo.; KFUO, Clayton, Mo.; KFYR, Bismarck, N. Dak.; KGHL, Billings, Mont.; KHQ, Spokane, Wash.; KOMO and auxiliary, Seattle; KMJ, Fresno, Calif.; KPOF, Denver; KSFO, San Francisco; WDEV, Waterbury, Vt.; WELI, New Haven, Conn.; WFIL and auxiliary, Philadelphia; WEAN, Providence, R. I.; WICC, Bridgeport, Conn.; WJAR and auxiliary, Providence, R. I.; WKBN, Youngstown, Ohio; WLBL, Stevens Point, Wis.; WORL, Boston; KMTR, Los Angeles; WCAO and auxiliary, Baltimore, Md.; WQAM and auxiliary, Miami, Fla.; WSYR-WSYU, Syracuse, N. Y.; WWJ and auxiliary, Detroit, Mich.

The following stations were granted renewal of licenses for the period ending February 1, 1940:

KTHS, Hot Springs National Park, Ark.; WIBC, Indianapolis, Ind.; WKAR, East Lansing, Mich.

KVGB—Helen Townsley, Great Bend, Kans.—Granted renewal of license for the period ending January 1, 1940.

MISCELLANEOUS

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.; NEW—Copper County Broadcasting Co., Hancock, Mich.—Adopted final order, effective August 20, granting the application of WHDF for modification of license to authorize full-time operation on frequency **1370 kc.** instead of specified hours, and denying application of Copper County Broadcasting Co. for a new station to operate on **1370 kc.**, 250 watts day and 100 watts night, unlimited time.

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Adopted final order, effective August 20, granting the application of Suffolk Broadcasting Corp. for a new station to operate on **1420 kc.**, 100 watts night, 250 watts LS.

WHMA—Harry M. Ayers, Anniston, Ala.—Adopted final order, effective August 20, granting the application of WHMA for modification of license to change hours of operation from daytime only to unlimited, on **1420 kc.**, 100 watts.

KPLT—North Texas Broadcasting Co., Paris, Tex.—Adopted proposed findings issued on July 13, 1939, and entered final order granting modification of license of KPLT to change power from 250 watts daytime on **1500 kc.** to 100 watts night, 250 watts LS, on same frequency.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency **43000 kc.**, with power not to exceed 2 KW, for the period August 18 to September 16, in order to make adjustments on equipment installed and for tuning and adjustments of antenna elements which are now assembled for erection atop 400-foot mast.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate a 50-watt portable transmitter with 100-foot vertical antenna, on the frequency **1360 kc.**, at the proposed location of WSAI, for a period of 30 days, during the hours of 7 a. m. to 6 p. m., EST, in order to make preliminary field survey of proposed site.

WMEF-WEJW—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to utilize relay broadcast stations WMEF and WEJW for the period August 19 to August 24, to transmit program material by radio station WMFF describing Army maneuvers as occasion requires for broadcast over radio station WMFF.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period September 1 to September 23, in order to conform with adoption of Daylight Saving Time in Chicago.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted extension of special temporary authority to operate station WELI on **930 kc.**, with 500 watts, daytime only, at Benham Road and Paradise Ave., Hamden, Conn., for the period August 22 and until such time as proof of performance of the directional antenna system is submitted and approved by the Engineering Department but ending in no event later than September 21, and to operate with either DA or non-DA during same period in order to make comparisons and expedite field intensity survey.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 3 p. m., MST, August 23, 24 and 25, in order to broadcast the main part of the Logan County Fair and Rodeo from Sterling Fair Grounds.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 10 to 11 a. m. and 2 to 4 p. m., EDST, on August 28, 29, 30 and 31, 1939, in order to broadcast events of the Northern Maine Fair.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate unlimited time for the period August 30, 1939, to September 10, 1939, and from 2 to 3 p. m., EST, on Saturdays, September 16 and 23, 1939; from 8:30 to 10 a. m. and 2 to 3 p. m., EST, on Sundays, September 17 and 24, 1939, in order to broadcast programs as described in letter dated August 15, 1939.

WBRY—American-Republic, Inc., Waterbury, Conn.—Granted extension of special temporary authority to operate with the present two-unit directional antenna in accordance with the experimental authority granted under license, for the period August 31 to September 29, 1939, in order to determine necessary steps to change from a special broadcast to a standard broadcast station.

WCLE—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted special temporary authority to operate from local sunset (August, 7:30 p. m., EST) August 22, 1939, until conclusion of the night baseball games for the purpose of broadcasting game.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted modification of C. P. to change transmitter location to 583 Meserole St., Brooklyn, N. Y. (local move of approximately two blocks (1000 ft.), and extend commencement date to 30 days after grant and completion date to 90 days thereafter; towers to be marked in accordance with Sec. 3.45(d); granted conditionally.

KAND—Navarro Broadcasting Association, Corsicana, Tex.—Adopted final order, effective August 22, denying application for authority to install new equipment and operate with power of 250 watts daytime, and granting the application for authority to operate station KAND unlimited time, with its present power of 100 watts.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted C. P. to make changes in transmitting equipment.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted license to cover C. P. authorizing new station to operate on **1500 kc.**, 100 watts, unlimited time.

KVAK—Carl Lastenser, Atchison, Kans.—Granted license to cover C. P. authorizing new station to operate on **1420 kc.**, 100 watts, daytime only.

WCNC—Albemarle Broadcasting Co., Elizabeth City, N. C.—Granted modification of C. P. approving transmitter and studio sites, changes in approved transmitter and installation of a vertical radiator.

NEW—WAVE, Inc., Louisville, Ky., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 50 watts.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted modification of C. P. extending completion date to November 19, 1939.

KXOX—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted modification of C. P. for changes in equipment and approval of transmitter site; antenna system authorized to be determined by C. P. which authorized a new station to operate on **1210 kc.**, 250 watts, daytime only.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period August 31 to September 29, in order to broadcast educational programs.

W3XO—Jansky & Bailey, Washington, D. C.—Granted special temporary authority to test the high frequency broadcast equipment of station W3XO, as described in application for modification of C. P., on frequency **43200 kc.**, with power of 1 KW, for a period not to exceed 30 days, to conduct frequency modulation tests on this frequency.

KOIN—KOIN, Inc., Portland, Ore.—Granted motion to dismiss without prejudice application for modification of license to operate with 5 KW day and night.

WMRO—Martin B. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts only from local sunset (August 7 p. m., CST) until 9 p. m., CST, August 23, in order to broadcast civic music and entertainment.

WCLE—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted special temporary authority to operate from local sunset (September 6:45 p. m., EST) to 7 p. m., EST, on September 1, 4, 6, 8, 11, 13, 15, 18, 20, 22, 25, 27 and 29, in order to continue to carry the "Lone Ranger" program.

WQDM—Regan and Bostwick, St. Albans, Vt.—Granted temporary extension of license for period of two months ending November 1, 1939, subject to whatever action may be taken on renewal application.

KVNU—Cache Valley Broadcasting Co., Inc., Logan, Utah.—Granted temporary extension of license for period of one month ending October 1, 1939.

APPLICATIONS FILED AT FCC

610 Kilocycles

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Construction permit to install new transmitter, directional antenna for day and night use, and increase power from 1 to 5 KW, move transmitter from 18th Ave. and 32nd St. to Northside of 79th Street, Causeway, Miami, Florida.

680 Kilocycles

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Construction permit to install new transmitter, directional antenna for night use, increase power from 500 watts, 2½ KW-LS to 5 KW, hours of operation from daytime (LS at San Francisco, Calif.), to unlimited time, and move transmitter from Pickett Road, 5⅜ miles S. E. of St. Joseph, Mo., to 5¼ miles N. N. E. of St. Joseph, Mo.

890 Kilocycles

KFNF—KFNF, Inc., Shenandoah, Iowa.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of C. P. (B5-P-1712) as modified, for a new transmitter, install directional antenna for day and night use, increase power, move of transmitter, requesting extension of completion date from 9-24-39 to 11-24-39.

1200 Kilocycles

KAST—Astoria Broadcasting Co., Astoria, Ore.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WFTC—Jonas Weiland, Kinston, N. C.—Modification of license to increase power from 100 watts, 250 watts day to 250 watts day and night.

WOLS—O. Lee Stone, Florence, S. C.—Construction permit make changes in equipment and increase power from 100 to 250 watts.

1210 Kilocycles

WJTN—James Broadcasting Co., Inc., Jamestown, N. Y.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—License to cover C. P. (B1-P-2317) to install new equipment and increase power.

KANS—The KANS Broadcasting Co., Wichita, Kans.—Construction permit for equipment changes, increase power from 100 watts to 250 watts.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WGRM—P. K. Ewing, Grenada, Miss.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to install auxiliary transmitter for emergency use only.

1300 Kilocycles

NEW—Independent Merchants Broadcasting Co., Minneapolis, Minn.—Construction permit for a new station on **1300 kc.,** 1 KW power, unlimited time, using directional antenna day and night.

1310 Kilocycles

KFYO—Plains Radio Broadcasting Co., Lubbock, Texas.—Construction permit to install new transmitter and vertical antenna, change frequency from **1310** to **1380 kc.,** increase power from 100 watts, 250 watts LS to 500 watts; 1 KW LS, and move transmitter from 2312 Fifth St., Lubbock, Texas, to site to be determined, in or near Lubbock, Texas.

WJPR—John R. Pepper, Greenville, Miss.—Modification of C. P. (B3-P-2312) for new station, requesting approval of antenna and approval of transmitter site at State Road No. 1, at Levee, Greenville, Miss., and move studio from 808 Harvey St., to Washington and Hinds Sts., Greenville, Miss.

WCLS—WCLS, Inc., Joliet, Twp., Ill.—Modification of C. P. (B4-P-2404) for equipment changes and antenna changes, move of transmitter, further requesting changes in equipment, and increase in power from 100 to 250 watts, change hours of operation from specified hours to unlimited. Extend commencement and completion dates, 90 days after grant and 90 days thereafter.

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1370 Kilocycles

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Modification of construction permit (B3-P-2390) for a new station, requesting approval of antenna and installation of new transmitter, and approval of studio and transmitter site at State Route 37, N. E. of Moultrie, Georgia.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Authority to determine operating power by direct measurement of antenna power.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—License to cover C. P. (B3-P-2043) as modified, for new station.

WGL—Westinghouse Radio Stations, Inc., Baltimore, Md.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WHLS—Harmon LeRoy Stevens and Herman LeRoy Stevens, d/b as Port Huron Broadcasting Co., Port Huron, Mich.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KRMC—Robert McNab Co. (A. L. Roberts, R. B. McNab, A. J. Brietbach, Gen. Manager), Jamestown, N. Dak.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1400 Kilocycles

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Modification of construction permit (B1-P-2254) for new equipment, new antenna, and move of transmitter, further requesting authority to move from 204 Scholes St., to 583 Meserole St., Brooklyn, N. Y., and extend commencement and completion dates 30 and 90 days respectively.

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Construction permit to move transmitter from 2568 Flatbush, Brooklyn, N. Y., to Provost and Huron Sts., Brooklyn, N. Y.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Modification of license to increase power from 1 KW; 5 KW LS to 5 KW day and night, make changes in present directional antenna system, for use nighttime only.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Modification of license to increase power from 1 KW; 5 KW LS to 5 KW day and night. Using directional antenna at night.

1420 Kilocycles

KWAL—Chester J. Howarth and Clarence Berger, Wallace, Idaho.—Modification of C. P. (B5-P-1967) as modified, for a new station, requesting changes in transmitting equipment, move of studio from U. S. Highway No. 10, between Wallace and Kellog, Idaho, to Samuels Hotel, Wallace, Idaho.

WMAS—WMAS, Inc., Springfield, Mass.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1430 Kilocycles

KINY—Edwin A. Kraft, Seattle, Wash.—Modification of construction permit (B5-P-2401) for changes in equipment and increase in power, requesting further changes in equipment.

1480 Kilocycles

KOMA—KOMA, Inc., Oklahoma City, Okla.—Authority to determine operating power by direct measurement of antenna power.

1500 Kilocycles

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Modification of construction permit (B3-P-2413) for installation of new transmitter, antenna changes, increase in power from 100 watts to 100 watts, 250 watts LS, move of transmitter, further requesting authority to increase power to 250 watts day and night.

WKIN—Kingston Broadcasting Corp., Ulster Twp., N. Y.—Modification of construction permit (B1-P-2112) for a new station, requesting changes in transmitting equipment, approval of antenna, and approval of studio and transmitter site at Plainfield St., Ulster Twp., N. Y.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

MISCELLANEOUS

XXXXX—King-Trendle Broadcasting Corp., Detroit, Mich.—Extension of authority to transmit programs from Station WXYZ to stations of Canadian Broadcasting Corporation, period beginning 10-16-39.

NEW—WHEC, Inc., New York, N. Y.—Construction permit for new high frequency broadcast station on **42600 kc.**, 1 KW power special emission, site to be determined, New York, antenna to be determined.

WSLA—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to change present location of transmitter from 70 Brookline Ave., Boston, Mass., to new site known as Hatherly Beach, near the town of Scituate, Mass.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for a new television broadcast (experimental) station on frequencies **78000-84000 kc.**, aural and visual, power 1 KW, emission A3 and A5, to be located at Wilshire Boulevard at Fairfax St., Los Angeles, Calif.

XXXXX—Mutual Broadcasting System, Inc., Chicago, Ill.—Extension of authority to transmit programs to Station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport.

WNEI—WFBM, Inc., Portable-Mobile, area of Indianapolis, Ind.—Modification of C. P. (B4-PRY-157) for changes in equipment.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Dearborn Sales Company—A complaint has been issued against Sam Luber, trading as Dearborn Sales Company, 711 South Dearborn St., Chicago, charging the use of lottery methods in the sale and distribution of radios, coffee sets, roasters, silverware, waffle irons, toaster tray sets, and other articles of merchandise. (3870)

Globe Clock Company—See Sales Stimulators.

Marlin Firearms Company, New Haven, Conn., was charged, in a complaint, with falsely representing that it is the manufacturer of "Marlin" razor blades.

The complaint alleges that the respondent does not manufacture razor blades, and that the blades sold under its trade-mark and represented as "Marlin" blades are manufactured by another company, whose output, in part, is purchased by the respondent. It is further alleged that the respondent does not own or control the manufacturing plant in which the blades are made. (3871)

Sales Stimulators—A complaint has been issued against Ben Braude, trading as Sales Stimulators and as Globe Clock Company, 337 West Madison St., Chicago, alleging misleading representations in the sale of a sales stimulator plan.

According to the complaint, the respondent exaggerated the earnings of his salesmen and the retail values of premium merchandise such as silverware, clocks, and electric dry shavers.

It is further alleged that the cost of the stimulator plan to the retail merchants was in excss of that claimed by the respondent, and that he did not make refunds to the retail merchants in the manner advertised. (3873)

Scientific Manufacturing Company, Inc.—Alleging publication of misleading representations which unfairly disparage aluminum cooking utensils a complaint has been issued against Scientific Manufacturing Company, Inc., and its president, Howard J. Force, of Scranton, Pa.

The pamphlets, designated "Poisons Formed by Aluminum Cooking Utensils" and "Are You Heading for the Last Round Up," are alleged to contain representations of which the following are typical: "A friend of mine after having 17 carbuncles, threw out his fancy aluminum ware. The carbuncles disappeared."—"Another fed his dog from an aluminum dish; the dog died from cancer of the face."—"Two others each gave a dozen young ducks water in aluminum pans and all the ducks died in less than two weeks."—"Cancer has increased in Austria in proportion to the increased use of aluminum ware."

These, and similar representations, the Commission charges, deceive the public into the erroneous belief that aluminum utensils are a menace to the health of users, when in truth, they are not unsafe, poisonous, nor deleterious to mankind when properly used in the preparation or keeping of foods, and are used extensively in hospitals. (3874)

STIPULATIONS

The Commission has entered into the following stipulations:

Ane Company—R. W. Harris, trading as The Ane Company, Baltimore, entered into a stipulation to discontinue misleading representations in the sale of "Ane Herb Tonic."

Under the stipulation, the respondent will cease representing Ane Herb Tonic as being a tonic, a prescription, of botanical origin, or as containing several of the finest ingredients known to medical science.

The respondent will further cease advertising that Ane Herb Tonic is a competent remedy in the treatment of run-down and weakened condition, sore and stiff muscles and joints, faulty elimination, constipation (unless limited to temporary constipation), acid indigestion, dizziness, jitteryness, sleepless nights, indigestion, headaches, poor sleep, dizzy spells or so-called rheumatic pain. (02420)

Elmer E. Cary Company—Elmer E. Cary, trading as Elmer E. Cary Company, 1116 West Washington Blvd., Los Angeles, entered into a stipulation to cease disseminating misleading representations in the sale and distribution of the "Cary Economy Cooker."

Under the stipulation, the respondent is to cease representing that he is the manufacturer of the Cary Economy Cooker; that he manufactures utensils for, or to be sold to, the United States Government; that the Cary Economy Cooker is the only perfect method known to medical science of preparing food, or that this cooker is guaranteed to save the average family $5 a month or any other amount which has not been determined by figures obtained in such a way as to verify the claims made. (2507)

France System—M. W. France, trading as The France System, 1424 North Occidental Blvd., Los Angeles, entered into a stipulation agreeing to discontinue misleading represenations in the sale of San-Sur, for feminine hygiene, and a booklet, "The France System".

Under the stipulation, the respondent is to cease representing that San-Sur enables women to avoid delay; is sure, certain or positive in its results; is a "marvelous" or "new" discovery for feminine hygiene, or is a contraceptive. The respondent also agreed to cease using the word "San-Sur" or any similar word to designate the name of the product.

It was also stipulated that the respondent will cease representing that the booklet entitled "The France System" is a "prescription", or that it rebuilds sex strength for men and women, or increases sex vitality. (02419)

J. B. Simpson, Inc., 831 West Adams St., Chicago, entered into a stipulation to discontinue misleading representations in the sale of men's clothing.

The respondent agreed to cease representing as "Wool", "All Wool", "Woolen", "Virgin Wool", "100% Virgin Wool", "Australian Wool", "Worsted", or "All Pure Wool Worsted" the principal fabrics used in the manufacture of its clothing when such fabrics are not composed wholly of wool. The respondent is also to cease designating as "Wool", "All Wool", "Woolen", "Virgin Wool", "100% Virgin Wool", "Australian Wool", "Worsted", or "All Pure Worsted" the principal fabric used in the manufacture of its clothing which is composed partly of wool and partly of cotton, silk, rayon, linen, or any other fiber, unless it is described as "Wool and Cotton", "Wool and Rayon", "Wool and Linen", etc., or by similar words in the order of the predominating fiber. (02418)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Mrs. Fannye Cohn, 6227 North Broadway, Chicago, has been ordered to discontinue misleading representations in the sale of a sales stimulator plan, including certificates, coupons and cards, redeemable in chinaware or other merchandise.

Under the order, the respondent is to cease representing that certificates, coupons or cards can be redeemed in chinaware or other merchandise, unless all of the terms and conditions of such offers are clearly stated; that she supplies advertising matter relating to her sales stimulator plan when such is not a fact, or that payment made by respondent's customers for the sales stimulator plan is a refundable temporary deposit, unless such is the fact and unless all conditions of such offers are clearly stated. The respondent is further directed to cease misrepresenting the actual cost to the respondent of her products or the actual cost of packing, handling and distribution. (3497)

Dearborn Supply Company, 2350 Clybourn Ave., Chicago, was ordered to discontinue misleading representations in the sale of cosmetic preparations.

Under the order, the respondent is to cease representing that "Mercolized Wax" absorbs surface skin, surface discolorations, or removes coarseness, blackheads, freckles or sunburn, or softens the skin, and to discontinue advertisements which fail to reveal that "Mercolized Wax" contains ammoniated mercury or that its use by some persons under certain conditions may produce injurious effects.

The order further forbids representations that "Parker-Belmont Beauty Cream" is a skillful or scientific blend of creams; that "Saxolite Astringent" is a skin tonic or smooths out wrinkles or age lines; that "Powdered Tarkroot", when used as a beauty mask, will revive or refresh a fatigued or drooping face more quickly or completely than other similar products, and that "Phelactine" is different from, or quicker and simpler to use than other hair removers. (3593)

Fairfield Engineering Company, 324 Barnhardt St., Marion, Ohio, was ordered to discontinue misleading representations in the sale of its "Fairfield Coal Distributors," "Failfield Non-Segregating Coal Distributors," or any other similar devices.

Under the order, the respondent is to cease representing, through use of the term "non-segregating" or any similar term, that such coal distributors are non-segregating or that they cause a uniform layer of fine and coarse coal to be delivered across the entire surface of the fire boxes of boilers. (3850)

McDowell, Pyle & Company, Inc.—See Ohio Novelty Company.

Mode Novelty Company and its officers, Wolf Alboum and Samuel Weisman, Newark, N. J., has been ordered to discontinue misrepresenting the quality and type of the material out of which hats and caps, which they manufacture and sell, are made.

The respondents, in September 1936, entered into a stipulation with the Federal Trade Commission to cease selling baseball or novelty caps made from second hand, old, worn or discarded materials unless they clearly indicated that such products were not made from new and unused materials. The Commission finds that subsequently the respondents failed to abide by the terms of the stipulation.

Under the order, the respondents are to cease representing that hats or caps composed in whole or in part of used or second hand materials are new or are composed of new materials, either by direct assertions or by failure to indicate, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands or hat body, the fact that such products are composed of second hand or used materials. (3473)

Ohio Novelty Company—Samuel Ravid, trading as Ohio Novelty Company, 107 Westmoreland Terrace, Akron, Ohio, and McDowell, Pyle & Co., Inc., 221 West Pratt St., Baltimore, were prohibited from using lottery methods in the sale and distribution of merchandise.

The Ohio Novelty Company, engaged in the sale of dresser sets, cigarette cases and lighters, tableware, kitchenware, pen and pencil sets, dolls, clocks, watches, blankets, bedspreads, tablecloths, wearing apparel and other novelty merchandise, and McDowell, Pyle & Co., Inc., engaged in the sale of peanuts and confectionery products, were ordered to cease selling any merchandise by means of lottery devices, or supplying others with lottery devices to enable such persons to sell merchandise. (3594-3832)

Zo-Ro-Lo, Inc., Ada, Ohio, was ordered to discontinue misleading representations in the sale of "Zo-Ro-Lo," a medicinal preparation.

Under the order, the respondent is to cease representing that its preparation is a cure or remedy for arthritis, asthma, brain disease, Bright's disease, diabetes, acidity, epileptic convulsions, gall stones, inward goitre, rheumatism, neuritis, sciatica, or sinus, kidney or prostate gland trouble.

The order further forbids representations that Zo-Ro-Lo neutralizes toxic poisons, relieves all pain, or has any therapeutic value in the treatment of ailments which are due to intestinal autointoxication, other than as a laxative or purgative. (3030)

NAB Reports

THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 R STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 35, September 1, 1939

RCA-Victor Postpones Licensing

The RCA Manufacturing Company has agreed to postpone the effective date of its Victor and Bluebird record licensing agreements until December 1.

The two-month postponement was made at the request of Neville Miller, NAB President, to permit further discussion of the question.

The licensing system, which would require every broadcaster using Victor or Bluebird records to buy a license from RCA, was to have gone into effect October 1. As soon as the proposed agreements were sent to member stations, Mr. Miller arranged conferences with RCA, Decca and Columbia officials. As a result of these, Lawrence Morris, counsel to RCA Manufacturing, sent Mr. Miller the following radiogram:

> "IN COMPLIANCE WITH YOUR REQUEST AND IN ORDER TO EXTEND TO BROADCASTERS EVERY POSSIBLE CONSIDERATION WE ARE WILLING TO FURTHER POSTPONE EFFECTIVE DATE OF OUR LICENSE AGREEMENT TO DECEMBER FIRST 1939 PROVIDED OTHER PHONOGRAPH RECORD COMPANIES WILL DO THE SAME."

Neither Columbia or Decca has as yet proposed a licensing system for its records.

Special Convention in Chicago September 15

A special NAB convention will meet at 10 a. m., central daylight saving time, in the Palmer House, Chicago, to decide whether to set up the machinery for creating a supply of tax-free and non-ASCAP music for the broadcasting industry. Nonmembers as well as members have been invited to this most important meeting.

The convention schedule:

September 13—The NAB board of directors will meet at the Palmer House at 10 a. m.

September 14—Both IRNA and the Independents will hold meetings at 10 a. m. in the Palmer House.

September 15—The special NAB convention will start at 10 a. m. in the Palmer House.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

Free Offers

Only two companies trying to chisel free time on the air were reported to NAB Headquarters this week, but both are prominent and probably well able to pay for time if they choose. Both are big newspaper advertisers.

The Motion Picture Industry, an old offender in the chiseling game, produced one of the free time proposals.

The latest attempt is in the form of a letter sent to many member stations by Towne and Baker Productions, Hollywood, Cal., offering "a 15-minute all-star transcribed program *which you may air free of charge.*" The offer, while frankly admitting that the program is based on the new RKO picture, "Swiss Family Robinson," soon to be released, states that there is "no commercial advertising or subtle exploitation."

Many member stations have forwarded this latest "time-chiseling" attempt to NAB Headquarters, and at least two stations have written strong replies direct to Towne and Baker. No doubt other members have received the same request for free time, and are invited to forward them to Headquarters.

The NAB reply to Towne & Baker, and the direct replies from those broadcasters who have sent copies to Headquarters, are reprinted below:

August 30, 1939.

Mr. James Allen
RKO Radio Studios
Hollywood, California

Dear Mr. Allen:

In reply to your letter of August 26, please be advised that this station is not interested in you free offer of the transcribed version of "SWISS FAMILY ROBINSON."

You may not realize it, but this radio station is flooded with requests similar to yours, all of which are promptly tossed in the wastebasket. However, since you asked for the courtesy of a reply, I am giving you one.

We are no different than RKO Pictures, in that we too are in business to make money. There's hardly a week goes by that some traveling act doesn't pound on our door asking us if we wouldn't like to have a good program on the air free. That good program is nothing more than a fifteen minute show plugging their personal appearance at one of the theaters in a community served by this station. We do not accept these "good shows" unless these acts are willing to pay for their time, and nine times out of ten they do, for they have discovered that WQDM serves more people in this area than they can reach through any other medium. WQDM offers the facilities to RKO on the same basis.

Sincerely yours,

G. S. Wasser.
Manager WQDM.

GSW:ES

August 29, 1939.

Mr. James Allen,
Towne and Baker Productions,
RKO Radio Studios,
Hollywood, California.

Dear Mr. Allen:

We are not interested in the offer in your letter of August 25, and while the program perhaps does not have any subtle exploitation, as you put it, still somewhere there is going to be a build-up for your coming production. We, at this station, feel that it is time that motion pictures pay for such services. Perhaps you say there is not enough commercial on this to warrant payment, and our answer to that would be, then put out a strictly commercial program and pay for the time on the air.

We feel that we should have compensation for a show of this type.

Very truly yours,

A. K. Redmond,
Manager WHP, Inc.

AKR:BP

August 30, 1939.

Mr. James Allen, Radio Director
Towne and Baker Productions
Hollywood, California.

Dear Mr. Allen:

Several of our member stations have forwarded to this office your recent requests for free time on the air in connection with the exploitation of the new RKO picture "Swiss Family Robinson."

Although radio has cooperated with the motion picture industry in the past, most of our stations feel that it is not good business practice to accept such material as you offer on a free time basis. However, the industry is certainly glad you appreciate the value of radio advertising and hope that you will see fit to use our medium on a regular basis, as do so many outstandingly successful advertisers.

Sincerely yours,

NATIONAL ASSOCIATION OF BROADCASTERS,
Samuel J. Henry, Jr.

Ringling Brothers-Barnum & Bailey Combined Shows has asked at least one station to provide free time for a complete program ballyhooing its circus. KFPY, Spokane's strong reply is reprinted below:

Our Seventeenth Year
August 26, 1939.

Dear Mr. Kelley:

Reply to your letter of August eleventh has been delayed until the date of your Spokane showing and until, also, we might meet and talk with members of your publicity department who might accompany the show. Incidentally, the transcription discussed in your letter was received in due time and has been delivered to Mr. F. L. Morrissey of your radio publicity department, who called on us last Monday, without having been broadcast.

We took occasion, during the course of a very enjoyable chat with Mr. Morrissey, to discuss this entire subject of circus advertising, and we told him then, as we tell you now, some of our reasons for not broadcasting not only the records you sent us, but also shows from your organization which Mr. Morrissey wanted put on the air.

All requests from your company have been for gratis time. Not one suggestion was made that you would buy time. And yet all appearances in broadcast would have been strictly commercial, designed to recruit attendance at your two Spokane shows. And as we explained to Mr. Morrissey, we know not a single reason why we should give free time to your commercial enterprise while selling it to others; nor, as a matter of policy, do we, or will we, or have we, for the past six years, given any free time to any circus, simply for the reason that your activity is just as commercial as that of any other business, and therefore should not seek, or expect to receive, free time, while all other commercial accounts are buying it.

Every time a circus comes to town it buys display space in the local newspapers, and when circus managements come to the point where they treat radio in the same manner, and provide a budget for it, I can't help but feel that radio too will go just as far as the newspapers have ever gone, maybe even farther in affording just as much cooperation as do the newspapers.

At any rate, whether you do or do not provide a radio budget for the future, KFPY will give away no free time for commercial advertising.

Sincerely,

Arthur L. Bright,
Vice President.

ALB:K
F. Beverly Kelley, Esq.,
Ringling Bros.-Barnum & Bailey Combined Shows, Inc.,
331 Madison Avenue,
New York City.

S. J. HENRY APPOINTED TO HEAD RADIO ADVERTISING BUREAU

President Miller today announces the appointment of Samuel J. Henry, Jr., to the Headquarters Staff. Mr. Henry will be assigned to the Bureau of Radio Advertising. He comes direct from the World Broadcasting System, where he served as advertising and sales promotion manager.

A specialist in the preparation of radio sales presentations, Mr. Henry brings a wealth of experience to the Bureau.

He is a graduate of Brown University and was a one-time newspaperman on the Washington Herald. He wrote copy and radio continuity for the Cecil, Warwick and Cecil advertising agency, and for awhile was engaged in sales work in the Radio Sales Division of the Columbia Broadcasting System.

His experience at the World Broadcasting System placed him in contact with the local selling problems of hundreds of radio stations throughout the country. Much of his new work will center around the production of presentations and promotional pieces primarily designed for the development of local and regional radio advertising accounts.

The Bureau of Radio Advertising was established as a new service for members last spring. It has been jointly administered by Paul Peter, Director of Research, and Ed Kirby, Director of Public Relations. With the addition of a full-time man to the Bureau's work, Headquarters feels that a highly beneficial service will be rendered all member stations.

MILLER PRAISES INDUSTRY FOR WAR NEWS REPORTING

Praising the public service work of stations and networks in bringing the nation the most comprehensive war-crisis coverage in history, Neville Miller, president of the NAB, congratulated the industry in the following statement:

"The broadcasting industry is performing a monumental public service in this war crisis period. Commercial schedules have been abandoned at real financial sacrifice in order that the public interest may be served. No other industry can boast such an unselfish performance. Once again American broadcasters are proving their stewardship. Operations have been on a twenty-four hour basis. Radio staff men and women have stuck to their posts day and night, that the American people may be informed of the startling minute-to-minute developments.

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"The comprehensive news reports and on-the-spot-broadcasts have undoubtedly gathered the greatest audience in the history of radio.

"In every home in America, from the White House to the most humble, radios are turned on, and people are listening and hoping that the holocaust may yet be averted.

"Through it all, there is a perceptible growth in public appreciation of the private and competitive character of the American System of Broadcasting which is rendering such a superb service. I congratulate the industry.

"And let me convey the gratitude of the industry to the gentlemen of the press who have cooperated so splendidly with us."

FLY TAKES FCC OFFICE

Frank R. McNinch stepped out Thursday as Chairman of the Federal Communications Commission and it is expected that James Lawrence Fly will take the oath tomorrow. Mr. McNinch has been Chairman since October 1, 1937.

President Roosevelt, in a communication which he sent to members of the Commission a couple of weeks ago, indicated that Mr. Fly would be Chairman to succeed Mr. McNinch.

SEPTEMBER DATES

September 5th—First Continental Congress opened in Philadelphia, 1774.

September 6th—Lafayette Day (Lafayette born 1757). Also celebration of Battle of Marne, 1914.

September 10th—Elias Howe patented sewing machine, 1846.

September 11-13th—Constitution Week, September 11-17.

September 13th—Star-Spangled Banner written 1814.

September 14th—Rosh Hashanah (1st day). (Jewish New Year.)

September 15th—Rosh Hashanah (2nd Day). National Felt Hat Day.

September 17th—Constitution Day (Constitution adopted, 1787). National Dog Week, September 17-23.

September 23rd—Yom Kippur (Day of Atonement). Jewish holiday. Autumn begins today. First air mail flight in U. S. in 1911, Earl Ovington, first mail pilot.

September 24th—Daylight Savings ends. Gold Star Mother's Day. National Newspaper Boys' Week, September 24-30. American Indian Day (21st).

September 30th—National Furniture Week, September 30-October 7. College football season starts.

NEW MEMBERS

At the meeting of the Executive Committee held in New York, August 22, the following membership applications were approved:

KOVO—Provo, Utah
KVGB—Great Bend, Kansas
KDRO—Sedalia, Missouri
WJHL—Johnson City, Tennessee
WMBG—Richmond, Virginia
WAPI—Birmingham, Alabama.

FCC MOTIONS DOCKET

The Federal Communications Commission has announced that the next meeting of the Motions Docket will be held at 10 a. m., Friday, September 8th, in Room 1411 of the New Post Office Building. Hearing of the Motions Docket was suspended during the month of August.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, September 4. They are subject to change.

Tuesday, September 5

KGLO—Mason City Globe Gazette Co., Mason City, Iowa—C. P., **1270 kc.,** 1 KW, unlimited time (DA-night), (requested facilities of KWLC and KGCA). Present assignment: **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, **1270 kc.,** 100 watts, daytime. Shares KWLC.

KWLC—Luther College, Decorah, Iowa.—Renewal of license, **1270 kc.,** 100 watts, daytime. Shares KGCA.

Thursday, September 7

ORAL ARGUMENT BEFORE THE COMMISSION

Report No. B-5:

NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., **1200 kc.,** 100 watts, 250 watts LS, specified hours.

NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—C. P., **950 kc.,** 500 watts, daytime.

Friday, September 8

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., **1200 kc.,** 100 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

October 11

WNBX—Twin State Broadcasting Corp., Springfield, Vt. (Proposed Studio and Trans. location, Keene, N. H.).—C. P., **1260 kc.,** 1 KW, unlimited time (DA-day and night). Present assignment: **1260 kc.,** 1 KW, unlimited time (DA-night).

FURTHER HEARING

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

October 20

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

October 25

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—C. P., **560 kc.,** 1 KW, unlimited time (DA-night). Present assignment: **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, specified hours.

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.,** 100 watts, specified hours.

November 10

WHA—University of Wisconsin, Madison, Wisc.—C. P., **670 kc.,** 50 KW, unlimited time (request facilities of WMAQ). Present assignment: **940 kc.,** 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.,** 50 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KECA and auxiliary, Los Angeles; WFNF and auxiliary, Shenandoah, Iowa; WFRC and auxiliary, San Francisco; KSAC, Manhattan, Kans.; KSD, St. Louis, Mo.; WMMN and auxiliary, Fairmont, W. Va.; WMT, Cedar Rapids, Iowa; WPEN and auxiliary, Philadelphia; WSVA, Harrisonburg, Va.; WTAG and auxiliary, Worcester, Mass.; KFKA, Greeley, Colo.; KGFX, Pierre, S. Dak.; KTAR, Phoenix, Ariz.; WCOC, Meridian, Miss.

WSPR—WSPR, Inc., Springfield, Mass.—Granted renewal of license for the period ending February 1, 1940.

KUSD—University of South Dakota, Vermillion, S. Dak.—Present license extended on a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

KGBU—Alaska Radio & Service Corp., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Present license further extended upon a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license extended upon a temporary basis only for the period ending October 1, 1939, pending receipt of and determination upon application for renewal.

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Present license extended upon a temporary basis only for the period ending October 1, 1939, pending determination upon application for renewal.

W8XWJ—The Evening News Assn., Detroit, Mich.—Present license for high frequency broadcast station further extended upon a temporary basis only until October 1, 1939, pending determaination upon application for renewal.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Present license for high frequency broadcast station further extended upon a temporary basis only until October 1, 1939, pending determination upon application for renewal.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile (area Tallahassee, Fla.)—Present license for relay broadcast station further extended upon a temporary basis only until October 1, 1939, pending determination upon application for renewal.

MISCELLANEOUS

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., EST) to 7:00 p. m., EST, for the month of September in order to broadcast late weather forecasts.

W3XDS—RCA Manufacturing Co., Inc., New York City.—Granted special temporary authority to operate general experimental station W3XDS using the frequency **950 kc.,** with power of 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2 to 7 a. m., DST, on Sundays; midnight to 5 a. m., DST, Mondays; and 1 to 5 a. m., DST, from Tuesday through Saturday, for a period not to exceed thirty days.

KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST) to 12:00 midnight, CST, with power of 100 watts on September 15, 1939, in order to broadcast local high school football game.

KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST) to 12:00 midnight, CST, with power of 100 watts on September 22, 1939, in order to broadcast local high school football game.

KPAC—Port Arthur College, Port Arthur, Texas.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST) to 12:00 midnight, CST, with power of 100 watts on September 29, 1939, in order to broadcast local high school football game.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted special temporary authority for excitation of a single radiator with a power of 100 watts on the frequency of **1170 kc.** for the period August 28, 1939, to September 26, 1939, beginning one hour after sunrise and ending one hour after sunset (August 7 p. m., September 6:30 p. m., CST), for the purpose of making field intensity measurements in connection with the production of a proof of performance report.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted special temporary authority to operate from 5:30 a. m. to 6:30 a. m., EST, on August 27, 1939, for the purpose of broadcasting a speech to be delivered at Tannenberg, Germany, by the head of the German nation.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast on W8XWJ material transmitter from relay station WERO aboard crash boat on Gold Cup Race course during description of Gold Cup Race, 1 to 6 p. m., EST, on September 4.

WJBW—Charles C. Carlson, New Orleans, La.—Continued hearing on renewal of license and modification of license, from September 8 to October 25.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Granted authority to take depositions at Scranton on September 13, in re application for new station to operate on **1370 kc.,** 100 watts, 250 watts LS, now scheduled for hearing on September 25.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authorization to operate unlimited time on **1180** kc., using 10 KW, employing DA system after sunset at Portland, Ore. (August, 7:15 p. m.; September, 6:30 p. m., PST), for the period August 31 to September 29.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.,** using 5 KW power, for the period August 31 and ending not later than September 29.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period August 22 and ending no later than September 20, pending KWLC's compliance with Rule 131.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority to rebroadcast over station WFBR program describing activities of the Fishing Fair at Annapolis, Md., on August 26, between 12:45 and 1 p. m., EST, and August 27, between noon and 12:15 p. m., EST, program to originate in Natl. Guard Plane operating on frequency **4060 kc.**

KHAS—The Nebraska Broadcasting Co., Hastings, Neb.—Granted special temporary authority to conduct site survey for station KHAS, using Collins Type 45-A Transmitter, crystal controlled, 50 watts output, frequency **1200 kc.,** daytime hours, for the period August 28 to September 6.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining program to be received from International broadcast station W9XAL and W3XAL over Station WNEL for the period September 7 to October 6, 1939.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 p. m. to 12 p. m., EST, for the period August 31 to September 29, in order to broadcast programs as described in letter of previous date.

WHA—University of Wis., Madison, Wis.—Granted special temporary authority to remain silent September 4, in order to observe legal holiday on Labor Day.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m., CST), to 11:05 p. m. CST, using 100 watts power, September 4, Special Labor Day Celebration; September 11, 12, 13, 14, 15, 16, Gregg County Free Programs; September 26, Longview vs. Adamson Game; September 29, Longview vs. Port Arthur football game.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate unlimited time during crisis in international situation and as long as international emergency exists but in no event longer than for a period of 10 days.

Unitarian Fellowship for Social Justice, Toledo, Ohio.—Granted special temporary authority to transmit programs by remote wire from WSPD to Station CKLW from 9 to 9:30 p. m., EST, on August 30, September 6, 13 and 20.

WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted special temporary authority to remain silent September 4, in order to observe the legal holiday, Labor Day.

WWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to transmit by wire description of Gold Cup Races to Canadian Broadcasting Corp., Windsor, Ontario, for rebroadcast on Canadian Network stations 1:30 to 2 p. m., and 4:45 to 5:30 p. m., EST, on September 4.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted special temporary authority to operate from 9:30 to 9:45 p. m., EST, August 31, with transmitting equipment and antenna system authorized in outstanding CP, in order to broadcast a special feature acquainting the audience with the time of the formal opening and presenting in dramatic form the part that radio plays in modern affairs.

WQDM—Regan and Bostwick, St. Albans, Vt.—Granted extension of special temporary authority to operate from 8 to 8:30 p. m., EDST, August 31, and from 7 to 8:30 p. m., EDST, September 1 to 8, inclusive, in order that station might complete its commercial broadcast of local baseball games.

WMBI—Moody Bible Institute Radio Station, Chicago, Ill.—Granted motion to dismiss without prejudice application for modification of license to change hours of operation to unlimited.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Granted motion to dismiss without prejudice applications for renewal and modification of high frequency broadcast station license.

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—Granted petition to accept written appearance filed August 16 in re Docket No. 5626, application for CP to move transmitter, change frequency and increase time of operation and power.

W2XWC—Kolorama Labs., Inc., Irvington, N. J.—Granted extension of special temporary authority to operate a composite television transmitter to be located in Carlstadt, N. J., for radio television transmission in the **2000-2100 kc.** band, for operation between the hours of 12 midnight and 6 a. m., on a non-interference basis, with power of 500 watts, for test and experimental purposes only, for the period September 5 to October 4.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Granted motion to dismiss without prejudice application for C. P. to change frequency, power and time of operation.

KRSC—Radio Sales Corp., Seattle, Wash.—Scheduled oral argument for September 28, 1939.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Scheduled oral argument for September 28, 1939.

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—Scheduled oral argument for September 28, 1939.

NEW—Thumb Broadcasting Co., Brown City, Mich.—Scheduled oral argument for September 28, 1939.

NEW—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Granted petition to take depositions on September 18 in Las Vegas in re application for C. P. to erect a new station; the words in the order, "or any other disinterested person qualified to administer oaths in the State of Nevada," to be omitted.

WHA—University of Wisconsin, Madison, Wis.—Granted petition to continue hearing on the application for C. P. requesting the facilities of WMAQ, Chicago, from September 11 to November 10, 1939.

KOAC—Oregon State Agricultural School, Corvallis, Ore.—Granted extension of special temporary authority to operate from 9 a. m. to 1 p. m., and from 6 to 10 p. m., PST, during the month of September (instead of unlimited time as licensed), in order to observe regular vacation period.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate simultaneously, non-synchronously, with station KFAB commencing 4:45 a. m., CST, for the period September 8 to September 24, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously, non-synchronously, with station WBBM.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted extension of special temporary authority to reduce hours of operation from unlimited time to a minimum of eight hours daily for the period September 1 to September 23, in order to observe summer vacation.

KTHS—Hot Springs Chamber of Commerce, Hot Springs Nat'l Park, Ark.—Granted special temporary authority to operate unlimited time during international crisis but in no event for a period exceeding 10 days.

WGTM—WGTM, Inc., Wilson, N. C.—Granted special temporary authority to operate unlimited time for a period not to exceed 10 days in order to broadcast events concerning present European crisis.

W1XSL—WDRC, Inc., Hartford, Conn.—Granted modification of C. P. extending completion date from September 9 to November 9, 1939, for developmental broadcast station.

WOED—The Yankee Network, Inc., Boston, Mass.—Granted modification of license for additional power of 250 watts, not requiring new construction in high frequency relay broadcast station.

Amendment of Rule 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.—Continued hearing now scheduled for September 11 until October 16, 1939.

WCOV—Capitol Broadcasting Co., Inc., Montgomery, Ala.—Granted special temporary authority to operate unlimited time for the period ending in no event later than September 9, in order to broadcast during war crisis.

WEJT—National Broadcasting Co., Inc. (area of Washington, D. C.), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

WEJS—National Broadcasting Co., Inc. (area of Washington, D. C.), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

WEJR-WEJJ—National Broadcasting Co., Inc. (area of New York City), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

WEJO—National Broadcasting Co., Inc. (area of Cleveland), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

WEJK—National Broadcasting Co., Inc. (area of Chicago), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

KEJH-KEJI—National Broadcasting Co., Inc. (area of San Francisco), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

KEJD-KEJC—National Broadcasting Co., Inc. (area of Denver), Portable-Mobile.—Granted license to cover C. P. authorizing changes in equipment of relay broadcast station; increase power to 2 watts and use frequencies **31220, 35620, 37020** and **39260 kcs.**

WEJU—National Broadcasting Co., Inc. (area of New York City), Portable-Mobile.—Granted license to cover C. P., to make changes in equipment and decrease power to 25 watts; frequencies **31220, 35620, 37020** and **39260 kc.**

WBZ—Westinghouse E and M Co., Boston, Mass.—Granted C. P. to install new transmitter and DA system for day and night use and move transmitter to proposed site, Newport Road, Hull, Mass.

W8XCN—Onondaga Radio Broadcasting Corp., Portable-Mobile, Syracuse, N. Y.—Granted C. P. to install new equipment and increase power in high frequency relay broadcast station to 20 watts.

WEHH—Columbia Broadcasting System, Inc. (Portable-Mobile), New York City.—Granted C. P. to make changes in equipment and decrease power in high frequency relay broadcast station from 50 to 15 watts.

WEGI-WEGJ—The Baltimore Radio Show, Inc. (Portable-Mobile), Baltimore, Md.—Granted C. P. to make changes in equipment of high frequency relay broadcast station and increase power to 2 watts.

KEHA—The Associated Broadcasters, Inc., San Francisco, Cal. (Portable-Mobile).—Granted license to cover C. P. for new high frequency relay broadcast station; frequencies **33380, 35020, 37620** and **39820 kc.,** 2 watts.

APPLICATIONS FILED AT FCC

560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Authority to determine operating power by direct measurement of antenna power.

630 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modification of construction permit (B1-P-2369) for new equipment, changes in directional antenna, increase in power, move of transmitter, requesting further changes in equipment and directional antenna for night, increase power from 1 KW, 5 KW-LS to 5 KW day and night, and extend commencement and completion dates to 30 days after grant and 180 days thereafter respectively.

KRGV—KRGV, Inc., Weslaco, Tex.—Modification of license to change frequency from **1260 kc.** to **630 kc.**

710 Kilocycles

NEW—Port Broadcasting Co., Houston, Tex.—Construction permit for a new broadcast station on **710 kc.,** 5 KW, unlimited time, directional antenna day and night.

770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit to make changes in transmitting equipment.

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Modification of construction permit (B2-P-2316) for an increase in power and new equipment, requesting further changes in transmitting equipment, and extend commencement and completion dates 60 days after grant and 90 days thereafter.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—Construction permit to increase power from 1 KW, 5 KW-LS to 5 KW day and night. Amended: to install directional antenna for night use.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—License to cover construction permit (B2-P-2268) as modified for installation of new transmitter, antenna and move transmitter from Elkins Park, Pa., to Hill Crest, Pa.

1100 Kilocycles

KGDM—E. F. Peffer, Stockton, Calif.—Modification of license to change frequency from **1100 kc.** to **1530 kc.,** hours of operation from daytime to unlimited, using 1 KW day and night.

1200 Kilocycles

KWBD—W. B. Dennis, Plainview, Texas.—Modification of construction permit (B3-P-2381) for a new station, requesting approval of antenna and approval of studio and transmitter site on Highway 70, east of Court House, 1.2 miles, Plainview, Texas.

WSKB—McComb Broadcasting Corp., McComb, Miss.—License to cover construction permit (B3-P-2002 and B3-MP-784) for new station.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of license to increase power from 100 watts, 250 watts-LS, to 250 watts day and night.

1210 Kilocycles

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Code Broadcasting Co., near Hyannis, Mass.—Modification of construction permit (B1-P-1140 and B1-MP-681) for new station, requesting extension of required date of completion from 9-24-39 to 1-1-40.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—Construction permit for a new broadcast station on **1210 kc.,** 250 watts, unlimited time.

WJIM—WJIM, Inc., Lansing, Mich.—Modification of license to increase power from 100 watts, 250 watts-LS to 250 watts day and night.

WJW—WJW, Inc., Akron, Ohio.—Modification of license to increase power from 100 watts, 250 watts-LS to 250 watts day and night.

WSAY—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Rochester, N. Y.—Modification of license to increase power from 100 watts, 250 watts-LS to 250 watts day and night.

1220 Kilocycles

WGNY—Peter Goelet, Newburgh, N. Y.—Voluntary assignment of license from Peter Goelet to Courier Publishing Corp.

1230 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Modification of license to change power from 1 KW, 5 KW-LS to 5 KW day and night, using directional antenna at night. Amended: change name to WFBM, Inc.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Construction permit to install new transmitter, increase power from 1 KW to 5 KW.

1310 Kilocycles

WJPR—John R. Pepper, Greenville, Miss.—Modification of construction permit (B3-P-2312) for a new station, requesting approval of antenna and approval of transmitter site at State Road #1, at Levee, Greenville, Miss., and move studio from 808 Harvey St. to Washington and Hinds Sts., Greenville, Miss. Amended: re equipment and give studio site at 110 North Shelby St., Greenville, Miss.

KRBA—Red Lands Broadcasting Assn., Ben T. Wilson, President, Lufkin, Texas.—License to cover construction permit (B3-P-2307) for changes in equipment and increase in power.

KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—License to cover construction permit (B4-P-2440) for installation of new transmitter.

1320 Kilocycles

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Construction permit to install directional antenna for day and night use; increase power from 1 KW, 5 KW LS, to 5 KW; move studio and transmitter from Cuyahoga Falls Road, Village of Tallmadge, Ohio, to State Road No. 8, R.F.D., North of Akron, Ohio.

1330 Kilocycles

KMO—KMO, Inc., Tacoma, Wash.—Voluntary assignment of license from KMO, Inc., to Carl E. Haymond.

1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Ore.—Modification of license to increase power from 500 watts to 500 watts night, 1 KW day.

1370 Kilocycles

NEW—Chilton Radio Corp., Dallas, Tex.—Construction permit for a new broadcast station on **1370 kc.,** 250 watts, unlimited time. Requests facilities relinquished by station KFJZ.

KTEM—Bell Broadcasting Co., Temple, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—V. O. Stamps, Dallas, Tex.—Construction permit for new broadcast station on **1370 kc.,** 250 watts, unlimited time. Requests facilities to be relinquished by station KFJZ.

WIBM—WIBM, Inc., Jackson, Mich.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WMAN—Richland, Inc., Mansfield, Ohio.—Modification of construction permit (B2-P-2121) for approval of antenna, approval of studio site at 140 Park Ave., West, and transmitter site at Longview Ave., 400 feet west of Main St. Rd., Mansfield, Ohio, and installation of new transmitter.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts day and night, change hours of operation from daytime to unlimited time.

WOC—The Tri-City Broadcasting Co., Davenport, Iowa.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. D.—Authority to transfer control of corporation from Aberdeen Broadcast Co., to H. C. Jewett, Jr., 676 shares common stock.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extention of special experimental authorization to transmit facsimile signals from 12 midnight to 6 a. m., PST, using 10 KW for period beginning 11-1-39.

1500 Kilocycles

WTMC—John T. Alsop, Jr., Ocala, Fla.—Voluntary assignment of permit from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc. Amended: Re change to assignment of license instead of permit.

KSAM—Sam Houston Broadcasting Assn., H. G. Webster, Pres., Huntsville, Texas.—License to cover construction permit (B3-P-2295) for changes in equipment and increase in power.

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of construction permit (B3-P-2436) for new transmitter, antenna, move and increase daytime power, requesting approval of transmitter site at Manor Road, Austin, Texas, antenna changes and new transmitter.

WWRL—Long Island Broadcasting Corp., Woodside, N. Y.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KGKY—Hilliard Co., Inc., Scottsbluff, Neb.—Voluntary assignment of license from Hilliard Co., Inc. (a corporation) to L. L. Hilliard, Ruth K. Hilliard, R. M. Stewart, d/b as Hilliard Co. (a partnership).

WDAN—Northwestern Publishing Co., Danville, Ill.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Authority to transfer control of corporation from Lester E. Cox to Wm. H. West, Jr., 184 shares common stock.

WKAT—A. Frank Katzentine, Miami Beach, Fla.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

NEW—E. W. Williams, Corbin, Ky.—Construction permit for new broadcast station on **1500 kc.**, 100 watts, unlimited time.

MISCELLANEOUS

NEW—The Louisville Times Co., area of Louisville, Ky.—Construction permit for a new relay broadcast station on **30820, 33740, 35820, 37980 kc.**, 0.5 watts, emission A-3.

NEW—The Louisville Times Co., area of Louisville, Ky.—License to cover above.

NEW—The Louisville Times Co., area of Louisville, Ky.—Construction permit for a new relay broadcast station on **30820, 33740, 35820, 37980 kc.**, 0.5 watts, emission A-3.

NEW—The Louisville Times Co., area of Louisville, Ky.—License to cover above.

KEGN—Don Lee Broadcasting System, area of San Francisco, Calif.—Construction permit to install new equipment.

KADB—Nichols & Warinner, Inc., area of Long Beach, Calif.—Construction permit to install new equipment.

NEW—Bamberger Broadcasting Service, Inc., area of New York, N. Y.—Construction permit for a new high frequency broadcast station, site to be determined in the New York metropolitan area, on the frequency **43400 kc.**, 1 KW, emission Special for frequency modulation.

WEOB—Ashland Broadcasting Co. (area of Ashland, Ky.).—License to cover construction permit (B2-PRE-250) for reinstatement of relay station.

W2XB—General Electric Co., Albany, N. Y.—License to cover construction permit (B1-PVB-11) to request frequency channel **66000-72000 kc.**, and to specify location as being Town of New Scotland, N. Y.

WSLR—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to change present location of transmitter from Boston, Mass., to Hatherly Beach, near Scituate, Mass.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Modification of construction permit (B4-PEX-23) for a new developmental broadcast station on **1000 kc.**, 1 KW, A-3 emission, requesting extension of completion date from 9-18-39 to 12-18-39.

WAIE—Joe L. Smith, Jr., area of Beckley, W. Va.—License to cover construction permit (B2-PRY-178) for new relay broadcast station on **1622, 2150** and **2790 kc.**, power 75 watts, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

No complaints have been issued by the Commission this week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Alle-Rhume Remedy Company, Inc., and Block Drug Company, Inc., both of Jersey City, N. J., were ordered to cease representing, directly or by implication, that "Allenru," or any similar preparation, will rid joints or muscles of all uric acid deposits; is compounded from a safe or scientific formula; is free from harmful drugs, or is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia.

The respondents were further ordered to cease representing that "Allenru" will quickly stop the distress and pain of rheumatism, neuritis, or sciatica caused by excess uric acid or other circulating poisons, or will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago.

The order also forbids advertisements which claim that excess uric acid causes or aggravates most cases of rheumatism, or which fail to reveal that the respondents' preparation is not a wholly safe drug to be used by the lay public in self-medication. (3678)

Block Drug Company, Inc.—See Alle-Rhume Remedy Company, Inc.

Lead Pencil Association, Inc.—Thirteen companies manufacturing approximately 75 per cent of the wood-cased lead pencils produced in the United States were ordered to discontinue entering into agreements resulting in unlawful restraint of competition through fixing and maintaining uniform prices for their products, and other practices.

The Lead Pencil Association, Inc., and its president and commissioner, William A. McDermid, 21 East 40th St., New York, and the following pencil manufacturers, twelve of which are members of The Lead Pencil Association, Inc., are named respondents in the order:

The Joseph Dixon Crucible Company, Jersey City, N. J.; The Eberhard Faber Pencil Company, Brooklyn; The American Lead Pencil Company (which withdrew from The Lead Pencil Association, Inc., in June, 1938), Hoboken, N. J.; Eagle Pencil Company, Inc., New York; Richard Best Pencil Company, Irvington, N. J.; Blaisdell Pencil Company, Philadelphia; General Pencil Company, Jersey City, N. J.; Hassenfeld Brothers, Inc., Providence, R. I.; National Pencil Company, Shelbyville, Tenn.; Reliance Pencil Company, Mt. Vernon, N. Y.; Universal Pencil Company, Oakland, Calif.; Red Cedar Pencil Company, Lewisburg, Tenn., and Wallace Pencil Company, St. Louis.

Findings are that The Lead Pencil Institute was formed in May, 1929, its membership comprising practically all of the companies engaged in the wood-cased pencil industry at that time, and that following a price war in 1935 and 1936, and for the purpose of eliminating that condition, the industry in January, 1937, reorganized the Institute and subsequently changed its title to The Lead Pencil Association, Inc., of which the respondent William A. McDermid was the president and commissioner. Further findings are that from about January to November, 1937, the manufacturers, acting through The Lead Pencil Association, Inc., or among themselves, carried out agreements and understandings resulting in an unlawful restraint of competition in the industry.

Under the order, the respondents are to cease fixing or maintaining uniform prices, terms or conditions for the sale of comparable wood-cased lead pencils; changing simultaneously the prices at which such pencils are to be sold; adopting, fixing or determining uniform schedules of quantity or annual cumulative discounts on comparable wood-cased lead pencils; fixing or determining uniform prices of lead pencils known as "blanks" (pencils on which neither the name or any brand of the manufacturer appears), or offering uniform bids on comparable wood-cased pencils to prospective purchasers. (3643)

Puritan Undergarment Corp., 950 Hart St., Brooklyn, N. Y., was ordered to discontinue misleading representations in the sale of women's wearing apparel.

Under the order, the respondent is to cease representing that its products are composed of fibers or materials other than those of which they are actually composed, or that any garment or fabric has a stated percentage of wool unless that is a fact.

The respondent was also ordered to cease advertising or selling wearing apparel or fabrics composed in whole or in part of rayon without clearly disclosing that fact, and when such garments or fabrics are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent. (3810)

Saks & Co., trading as Saks at 34th Street, Broadway and 34th St., New York, was ordered to discontinue misleading representations in the sale of perfumes and other toilet preparations.

Under the order, the respondent is to cease representing through the use of the term "Famous in France," or in any other manner, that perfumes or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately accompanied with an explanation that such products are made or compounded in the United States.

The respondent was further ordered to cease using the term "Renaud's Perfume—Famous in France," or any other terms indicative of French origin, or any French or other foreign words or terms, as brand or trade names for perfumes, or other toilet preparations, made or compounded in the United States, without clearly and conspicuously stating that such products are made or compounded in the United States. (3298)

Sifers Candy Company—Samuel I. Sifers, trading as Sifers Candy Company, Iola, Kans., was ordered to discontinue the use of lottery methods in connection with the sale and distribution of candy to ultimate consumers.

Under the order, the respondent is to discontinue selling and distributing candy or other merchandise so packed and assembled that sales to the public may be made by means of a lottery device, or supplying dealers with lottery devices which may be used in the sale of candy or other merchandise to the public.

The order also prohibits the respondent from supplying dealers with lottery devices, either with assortments of candy or other merchandise, or separately, such devices to be used in selling or distributing the candy or other merchandise to the public. (3311)

Simmons Company, New York, manufacturer of metal beds, mattresses and allied products, was ordered to discontinue unlawful price discriminations in violation of the Robinson-Patman Act. This company sold approximately $24,600,000 worth of its products in 1938.

The order specifically prohibited price discrimination between different retailer purchasers of its products of like grade and quality paying the cumulative discounts of the "Simmons Plan" under which discounts of 3½ per cent were paid on purchases of $75,000; 4 per cent on purchases of $100,000; 4½ per cent on purchases of $150,000; and 5 per cent on purchases of $200,000 and more. No discount was paid on purchases of less than $50,000.

Discriminations were also prohibited through payment to customers, whether individuals, central organizations or syndicate heads, of any cumulative or retroactive quantity discounts either under the Simmons Plan or any similar plan or method making provision for granting of cumulative or retroactive quantity discounts.

It was found that under the respondent's discount plan aggregate purchases of a customer during a calendar year not only determined the rate of discount, but the rate so determined was retroactively applied to all purchases made during such year, even to those purchases in the no-discount zone. (3840)

Sprague-Kitchen & Company—Mary Eloise Gauss, trading as Sprague-Kitchen & Co., 4254 North Hermitage Ave., Chicago, was ordered to discontinue misleading representations in the sale of a cosmetic preparation for the scalp and hair designated "Graolene".

The order prohibits representations in advertisements that "Graolene," or any similar preparation, is not a dye or is other than a dye; will cause gray hair to change color without dyeing the hair; will restore the original or natural color to gray hair; will supply to the hair shaft the materials in which gray hair is deficient, or will cause the scalp, the hair or the roots of the hair to be normal or healthy. (3821)

Sumlak Company, Cincinnati, Ohio, engaged in the sale of "Sumlakia," a compound found to contain various bromides, was ordered to discontinue advertising, directly or by implication, that their preparation is a cure or remedy or a competent treatment for epilepsy, or that it is safe for use. The respondent was further ordered to cease the dissemination of advertisements which fail to reveal that the long continued or excessive use of the preparation may cause serious injury to the health of the user. (3828)

Williams and Wilkins Company, Mount Royal and Guilford Avenues, Baltimore, have been ordered to discontinue violation of the Robinson-Patman Act through price discrimination in the sale of medical and scientific books.

Findings of the Commission are that, by granting price discounts ranging from 20 per cent to 35 per cent, the respondent discriminated in price between different purchasers buying the same books for resale to retail dealers or ultimate users in the same area, thus enabling some purchasers to buy these books at lower prices than their competitors.

Under the order, the respondent is to cease discriminating in price between competing purchasers for resale of its medical and scientific books as related in the findings, or by granting or allowing differing discounts, the effect of which may be to lessen competition or tend to create a monopoly, or destroy or prevent competition with any customer receiving the benefit of the discrimination, except where such discount makes only due allowance for differences in the cost of manufacture, sale or delivery resulting from differing methods or quantities in which such books are sold. (3844)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Banker Pen Company—See James Kelly Fountain Pen Company.

J. Bennett, Inc.—See A. Cohen & Sons Corp.

A. Cohen & Sons Corp.—Two companies engaged in the wholesaling of novelty goods and glassware, including glass ash trays, entered into stipulations to discontinue using the word "cut", alone or in connection with any other words, so as to imply that the product referred to is cut by hand, when such is not a fact. The respondents are A. Cohen & Sons Corporation, 584 Broadway, New York, and J. Bennett, Incorporated, 360 Furman St., Brooklyn, N. Y. (2513-2516)

Louis Eckert Brewing Company, 666 Gibbons St., Los Angeles, entered into a stipulation to discontinue misleading representations in the sale of beer.

According to the stipulation, the respondent will cease representing that quality beer cannot be made and sold in large quantities or that its beer products are all brewed under the watchful eye, skillful hand, or personal supervision of Louis Eckert, president and brewmaster of the respondent company, when such are not the facts. (2510)

James Kelly Fountain Pen Company—James Kelly, trading as James Kelly Fountain Pen Company, and as The Banker Pen Company, 487 Broadway, New York, entered into a stipulation to discontinue misleading representations in the sale of fountain pens.

The respondent stipulated that he will cease using the words "Durium Pointed" or other expressions which imply that his pen points are tipped with any purported substance, fanciful or real, when such is not a fact. It was further agreed that the respondent will discontinue use of the designation "14 K" on pen points, with or without the words "Gold Plate", when the gold content is not actually of 14 carat fineness, or in any way convey the impression that the pen point is of 14 carat solid gold, when such is not a fact. (2508)

Perry Jett LeRoy, Jackson Heights, Long Island, N. Y., in connection with the sale of "LeRoy's Easy Piano Lessons", stipulated that he will cease representing that his sale offer is either "limited" or must be accepted "immediately" or is "for a short time only" or is "positively your last opportunity" to procure his course for $1, when such is not a fact; or that the customary price for the course is limited or special, or that it will not be available in the near future, unless orders thereafter received at the price advertised are refused and the money returned to the senders.

LeRoy also agreed to cease representing that any person without regard to aptitude or circumstance, can, by taking his course, play the piano within five weeks or any other specified time "as he (LeRoy) plays"; or unreservedly that within such or any comparable time all those sending for the course will be gracefully playing the tunes they love. The respondent also agreed to discontinue claims that "thousands", or any other impressive and unverified number, have "learned to play" the piano through the aid of his course. (2514)

Master Electric Company—In a stipulation entered into, Master Electric Company, Dayton, Ohio, agreed to discontinue misleading representations in the sale of electric fans.

The respondent stipulated that it will cease using the word "rubber" or any other words connoting rubber, as descriptive of the blades of its products which are not composed of rubber, and will discontinue using the word "rubber" in any way as to imply that the blades of such products are made wholly of rubber, when such is not a fact. The stipulation provides that if the blades are composed in substantial part of rubber and in part of some other material, and the word "rubber" is used to describe the rubber part, then that word shall be accompanied by other words printed in equally conspicuous type so as to indicate clearly that the blades are composed in part of some other material. (2512)

New England Ribbon Mills—Louis Segal, trading as New England Ribbon Mills, Boston, entered into a stipulation in which he agreed to discontinue using the word "Mills" as part of his trade name, or in any other manner implying that he makes the products offered for sale, or that he actually owns and operates or controls the mill or factory in which his products are manufactured, when such is not a fact. (2511)

Jacob Ries Bottling Works, Inc., Shakopee, Minn., entered into a stipulation in which it agreed to cease representing either directly or by implication that "Sparkling Rock Spring Water," or any similar products, will prevent, counteract or otherwise effectively avoid or eliminate an excessive acid condition in the system resulting from the use of liquor. (2509)

Ruth Hosiery Mills, Inc., Durham, N. C., entered into a stipulation to discontinue misleading representations in the sale of hosiery.

Under the stipulation, the respondent will cease using the term "Rayon and Silk" as purportedly descriptive of any product not composed throughout of such fibers, or as descriptive of hosiery the top, heel and toe of which are composed of other materials. The stipulation provides that if silk, rayon or other fiber is present in less than a substantial amount or in an amount not exceeding 5 per cent by weight of the product, the name of such fiber shall be accompanied by the percentage in which it is present, or when confined to a decorative stripe shall be designated as being contained in such decoration, as, for example, "Rayon with decorative silk stripe." If the boot or leg is properly represented as rayon with decorative silk stripe but the top, heel and toe are composed of other materials, then such designation shall be immediately accompanied in equally conspicuous type by disclosure of the fiber content of the top, heel and toe.

The respondent will also cease advertising, branding, labeling or selling any product composed in whole or in part of rayon or in part of silk, and other kinds of fiber or substances, unless full and nondeceptive disclosure of the fiber and other content of such product is made by clearly designating and naming each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than 5 per cent, as, for example, "Cotton and Rayon," when the product is composed of cotton and rayon throughout, with the amount of cotton at least equal to or greater than the proportion of rayon present. (2517)

United Civil Service Training Bureau, Portland, Ore., in connection with the sale of its correspondence school courses intended to prepare students for United States Civil Service examinations, agreed to cease using the words "United," "Civil Service," "Bureaus" or "Bureau" as a part of its corporate or trade name, or using these words or any other representations so as to imply any connection with the Civil Service Commission or the United States Government. (2515)

FCC Assignments For September

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF September
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Thad H. Brown
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Paul A. Walker
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Norman S. Case
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner T. A. M. Craven
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner George Henry Payne
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Frederick I. Thompson
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	**Secretary** **T. J. Slowie**
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 36, September 8, 1939

The War

President Roosevelt has let it be known that he wants no censorship of press or radio in this country unless and until America goes to war.

However, the FCC has discussed "the problem of radio broadcasting in this country in its relation to the European situation" and has appointed a special committee to give that problem further study.

It is also known that the Administration is keeping close tab on how the broadcasting industry handles its war programs during the period of America's neutrality, and will attempt to judge what effect war broadcasts have on the American public.

James L. Fly, new FCC chairman, told reporters the day he took office that the commission would do everything it could to prevent unneutral statements on the air, but there has been no elaboration of this statement.

Above are the facts. Rumors come at a dime a dozen.

In making a statement for the President, Wednesday, the White House gave it as his view that press censorship might be unnecessary even in event of war, but that radio had yet to prove its quality in a period of national emergency.

Speaking for the President at his meeting with newspaper men, Stephen T. Early,

(Continued on page 3700)

Convention September 15

The special NAB convention will be held, as scheduled, at the Palmer House, Chicago, September 15 at 10 a. m.

War problems led some members to suggest postponement, but Neville Miller canvassed the board of directors and found the overwhelming majority in favor of holding the meeting as planned.

Nearly all the directors expressed the opinion that the industry's music problem was of such importance that there should be no delay in a united attempt at solution.

Undoubtedly the War will figure in the discussions of the board of directors which is to meet September 13 at the Palmer House. IRNA and the Independents are to meet at the same place September 14.

THE WAR

(Continued from page 3699)

White House secretary, described the press as a veteran of many campaigns which had performed well in war and peace as well as in periods of proclaimed neutrality.

Radio, on the other hand, he went on, was a "rookie" which had yet to prove its capacity for self-discipline without government control over its dissemination of news.

Mr. Early's discussion of the relative position of the press and radio in the news field was provoked by a question as to whether the President was considering any implementation of his drive against alien propaganda and espionage. Mr. Roosevelt said Tuesday that the government was determined to put down communistic and pro-dictatorship propaganda and to prevent this country's use as a center for clearing information to belligerent nations.

Mr. Early replied that there were various plans for implementing counter-espionage and anti-propaganda activities in times of peace and of war. In addition, he said, the general staff of the army had perfected plans for use in time of a national emergency, which all hoped would never come.

Then Mr. Early said he was satisfied that for the present the President did not want censorship of either the press or radio and hoped somehow to establish a "parity" between the two.

It was sometime later in the day that he explained in answer to further questions that, by "for the present" he meant there would be no censorship unless America went to war.

How the President proposed to bring about press censorship in event of war Mr. Early did not explain. There is not now any legal authority for it and the secretary indicated his own belief that the press was capable of controlling itself in such emergencies.

It was recalled by observers that the press itself invoked a "voluntary censorship" on its handling of official government information during the World War after Postmaster General Burleson failed to obtain legislation from Congress intended to accomplish the same result. The censorship consisting largely of clearing all official information through a committee on public information established for the purpose.

Among plans already in existence for controlling the handling of news in war time, Mr. Early mentioned that the Communications Act contained a provision authorizing the Federal Government to take over radio broadcasting facilities in such periods. He pointed out, however, that such control did not extend to peace times.

Then Mr. Early went on to say that there was a general feeling throughout the government that radio, because of its youth, was coming into a period in history which is new to it.

He added that if radio proved itself to be a "good child" and was well-mannered and showed that it had been well reared, it would be left to move along on its own. On the other hand, if radio proved itself to be a "bad child," the disposition would be to teach it some manners—to correct it so that it would behave itself, the secretary explained.

Meanwhile the President was said to be somewhat concerned about the position of international short-wave radio broadcasting from this country and its potential effect on the nation's neutral status.

The thought has been, according to Mr. Early, that both standard and amateur short-wave radio stations were in a position to give aid and comfort to belligerents with obvious adverse effect on America's neutral stand.

The government, he said, holds that all short-wave broadcasters should be increasingly careful of their operations and that the government itself should watch their activity more closely than ever before.

The government was particularly anxious to prevent their use as clearing center for information to warring countries, he explained.

This declaration was borne out by FCC experts who said that the problem of apprehending small radio sets broadcasting information about ship or merchandise movements, for example, would present serious difficulties. Extensive monitoring of the ether waves they indicated, would be necessary.

Mr. Early was asked in what way the radio in the new field might manifest its "bad manners." Without answering the question directly, he pointed out that the press had gone through wars and peace times and through periods of proclaimed neutrality by the United States whereas the radio had not.

The FCC committee of three members to study broadcasting war problems is composed of Chairman Fly and Commissioners Brown and Craven.

Mr. Fly stated, when he took office, that any plans for reorganization of the commission will only be put into effect after careful consideration and these changes, if any are made, are matters for the full commission. The Chairman said he would not take any impulsive action.

Frank R. McNinch, former Chairman, who attended the press conference, stated that he believed that the commission's staff will be able to report to the committee the monopoly network study within the next three weeks. He said also that the Interdepartmental Radio Committee of which he is Chairman, will make a report to the President within the next ten days.

Mr. Fly was asked for his attitude on newspaper ownership and he said that he doesn't assume to make any statement on newspaper ownership or any other basic issues until he has made a careful survey of the subjects. He said he was very much impressed with the part the broadcasters are playing in the present war crisis.

Mr. Fly took his oath of office at the Commission on September 1, at which time he announced he had received a letter from the President designating him Chairman of the commission to succeed Mr. McNinch. A number of members of the commission attended the ceremony. Attorney General Murphy announced last week that Mr. McNinch had been retained by the Department of Justice as a communications expert in the Western Union and other cases.

Radio Neutrality

Promulgation of the Neutrality Proclamation by President Roosevelt last Tuesday has quite naturally raised in the minds of broadcasters the question "What is radio neutrality?"

In considering the broad implications of the Neutrality Proclamation in the broadcasting field, Headquarters feels that the caution exercised by broadcasters should go to points even beyond those covered by the Controversial Public Questions and the News sections of the new NAB Code.

Though it is felt every broadcaster has endeavored to broadcast factual news, free from bias or editorial opinion, even before the Code was adopted last July, Headquarters would like to point out that the *method* and *manner* in which news is handled during the present situation is being as carefully scrutinized as is the content of the news broadcast itself.

While it should not be necessary for any newscaster or announcer to change his style of delivery, it should be pointed out that all news broadcasts, especially news "flashes" interrupting another program already on the air, should be handled with the greatest degree of restraint.

News matter which is obviously sensational, though thoroughly accredited to a responsible source, should be carefully checked and confirmed as far as possible before it is broadcast. Statements in conflict coming from censored belligerent sources should be paired and notice to the public should be given that all news from belligerent countries has passed under the blue pencil of the government censor before becoming available to American listeners.

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Though President Roosevelt stated that the declared neutrality of the United States did not deprive the right of the individual to his own opinion, broadcasters face a difficult and complex problem in alloting time to speakers. In general, Headquarters feels that the Public Controversial plank of the new Code is a safe guidepost for members to follow. While the Code is not yet in effect (the effective date is to be announced by the NAB Board at its meeting next week), it will be recalled that the Code bars all discussion of public controversial matter from paid time (except political—during a political campaign) and requires that time for such discussions shall "be allotted with due regard to all the other elements of balanced program schedules and to the degree of public interest in the questions to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy."

In pointing out the seriousness and complexity of the problem of radio neutrality, Headquarters would like to quote two paragraphs from a recent column by Dorothy Thompson published this week:

"It would seem essential that while we are considering means of cushioning this country against the economic shock of war, and reconsidering whether the existing neutrality legislation is actually in the best interests of our neutrality, we should also have a policy adopted regarding propaganda, and particularly regarding propaganda on the air.

"The spoken word is provably far more inflammatory than the written word. The human voice is a more potent conveyor of emotion than is the printed page; it is less likely to appeal to reason; it is more capable of being misunderstood; from time immemorial it has been used to sway and control masses, and this possibility has been incalculably augmented by the radio and the power of reaching millions."

Headquarters is aware of the delicate problem of station management and supervision raised by the war period. It is closely following each development on the Washington front and within the industry so as to be in a position to advise members when unforeseen problems arise. A fuller discussion of the matter will be made at the convention next week.

Free Offers

American Express Company, through the Travel Radio Service, has recently offered member stations a series of 78 fifteen minute travel scripts, available "free of charge" if station uses credit line.

Ringling Brothers-Barnum & Bailey Circus is continuing its efforts to get free time by offering station managers passes to the circus in return for broadcasting of one or more 15-minute "educational" programs about circus life, etc.

Headquarters has advised the above companies that NAB policy forbids the granting of free time for such obviously commercial purposes.

TOM HAFFEY

WGAR, Cleveland, wants to know the whereabouts of Tom Haffey.

PERFORMERS' RIGHTS

The International Labour Office has issued Report A on a proposal to adopt an international agreement on the rights of performers in broadcasting, television and recording, to be considered at next year's June conference in Geneva.

Copies of the report are on sale at the International Labour Office, 734 Jackson Place, Washington, D. C.

The ILO is questioning the United States and all other member governments as to their opinion on giving performers now-disputed rights in this field.

The NAB is following the situation carefully and will report important developments.

C. C. I. R. MEETINGS

Meetings of the Conference Committee, under the Chairmanship of Dr. J. H. Dellinger, preparing for United States participation in the Fifth Meeting of the International Radio Consulting Committee (C. C. I. R.), to be convened at Stockholm, Sweden, about June 25, 1940, are to be held in Room 474, Department of State, on September 11 and 12.

The reports of the several subcommittees studying specified questions in which the United States is a collaborating administration, will be examined by the Conference Committee for final approval before transmission to the Bern Bureau and to foreign centralizing and collaborating administrations. The meeting will be open to any one interested in the deliberations.

DOMINICAN REPUBLIC, BRAZIL RATIFY AGREEMENTS

The State Department has issued the following announcements relative to telecommunications:

North American Regional Broadcasting Agreement

Dominican Republic

The American Legation at Ciudad Trujillo transmitted to the Department with a despatch dated July 26, 1939, a copy of the *Official Gazette* of July 8, 1939 (No. 5332), which contains the text of Resolution No. 135, promulgated by the President of the Dominican Republic on June 27, 1939, by which the Dominican Congress approves the ratification of the North American Regional Broadcasting Agreement signed at Habana on December 13, 1937. According to the information of the Department the countries which have deposited their instruments of ratification of this agreement are the United States, Canada, Cuba, and Haiti.

This agreement has not yet entered into force.

Inter-American Arrangement Concerning Radiocommunications

Dominican Republic

The *Official Gazette* of July 8, 1939 (No. 5332), transmitted to the Department by the American Legation at Ciudad Trujillo under date of July 26, 1939, publishes the text of Resolution No. 136 of the Dominican Congress promulgated by the President of the Dominican Republic on June 27, 1939, approving the ratification of the Inter-American Arrangement Concerning Radiocommunications signed at Habana on December 13, 1937. According to the information of the Department the countries which have deposited instruments of ratification of this arrangement are the United States, Canada, Chile, Haiti, Mexico, Panama, and Peru.

Inter-American Radiocommunications Convention (Treaty Series No. 938)

Brazil

The American Embassy at Rio de Janeiro transmitted to the Department with a despatch dated August 4, 1939, a copy of Decree Law No. 1435, of July 20, 1939, published in the *Diario Oficial* of July 27, 1939, by which the Brazilian Government approves, with reservations, the Inter-American Radiocommunications Convention signed at Habana on December 13, 1937, and annexes.

According to the information of the Department the countries which have deposited their instruments of ratification of this convention are the United States of America, Canada, Cuba, Dominican Republic, Haiti, Mexico, Panama, and Peru.

FACSIMILE BROADCAST STATIONS

(as of August 1, 1939)

Licensee and Location	*Call Letters*	*Frequency (kc)*	*Power*	*Emission*
Bamberger Broadcasting Service, Inc., New York, N. Y.	W2XUP	25250	100w	A-3, A-4
A. H. Belo Coporation, Dallas, Texas	W5XGR	25250	100w	A-4
The Crosley Corporation, Cincinnati, Ohio	W8XUJ	25025	1kw	A-3, A-4
The Evening News Association, Detroit, Mich.	W8XTY	25250	150w	A-4
William G. H. Finch, New York, N. Y.	W2XBF	43740	1kw	A-4
The Louisville Times Company, N. E. of Eastwood, Ky.	W9XWT	25250	500w	A-3, A-4 (C.P. only)
The National Life and Accident Insurance Company, Inc., Nashville, Tenn.	W4XIH	25250	1kw	A-4
The Pulitzer Publishing Company, St. Louis, Mo.	W9XZY	25100	100w	A-4
Radio Air Service Corporation, Cleveland, Ohio	W8XE	43620	50w	A-4
Radio Pictures, Inc., Long Island City, N. Y.	W2XR	43580	1kw	A-3, A-4
Sparks-Withington Company, Jackson, Mich.	W8XUF	43900	100w	A-4
Star-Times Publishing Company, St. Louis, Mo.	W9XSP	25250	100w	A-4
WBEN, Incorporated, Buffalo, N. Y.	W8XA	43700	100w	A-4
WBNS, Incorporated, Columbus, Ohio	W8XUM	25200	100w	A-4

DEVELOPMENTAL BROADCAST STATIONS

(as of August 1, 1939)

Licensee and Location	*Call Letters*	*Frequency (kc)*	*Power*	*Emission*
Bell Telephone Laboratories, Inc., Whippany, N. J.	W3XDD	560, 900, 1340	50kw	A-3
Central Broadcasting Company, near Mitchellville, Ia.	W9XC	1000	1kw	A-3 (C.P. only)
Connecticut State College, Storrs, Conn.	W1XCS	39540, 139960, 300000-400000	250w	A-3 and Special
Connecticut State College, Storrs, Conn.	W1XEV	26300	500w	Special
The Crosley Corporation, near Mason, Ohio	W8XO	700	100kw-500kw	A-3
National Broadcasting Co., Inc., (area of New York, N. Y.)	W10XF	1614, 2396, 2398, 2400, 3490, 3492.5, 3495, 4795, 4797.5, 4800, 6420, 6425, 6430, 8650, 8660, 9130, 9135, 9140, 12855, 12862.5, 12870, 17300, 17310, 17320, 23100, 30660, 31020, 31140, 31180, 31540, 33340, 33460, 33620, 35060, 35460, 37060, 37140, 37540, 39140, 39460, 39540, 132400, 132680, 133380, 134360, 135340, 137440, 137860, 138140, 138840, 139540, 139960, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 and above	25w	A-1, A-2 A-3
National Broadcasting Co., Inc., (area of New York, N. Y.)	W10XR	Same as above	100w	A-1, A-2 A-3
The National Life and Accident Insurance Co., Inc., Nashville, Tenn.	W4XFN	300000-400000, 401000 and above	15w	A-3
Carman R. Runyon, Jr., Yonkers, N. Y.	W2XAG	132400, 132680, 133380, 134360, 135340, 137440, 137860, 138140, 138840, 139540, 139960, 162000-168000, 210000-216000, 264000-270000, 300000-400000, 401000 and above	5kw	A-3 and Special
Travelers Broadcasting Service Corporation, Avon, Conn.	W1XEH	63500	150w	A-2, A-3
WDRC, Incorporated, Hartford, Conn.	W1XSL	139960	100w	Special (C.P. only)

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, September 11. They are subject to change.

Monday, September 11

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts LS, limited time.

Wednesday, September 13

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., special experimental authorization, **1420 kc.**, 250 watts night, 1:05 to 2:15 a. m., CST.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., **1270 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

Thursday, September 14

Oral Argument Before the Commission

Report No. B-8:

WPG—Greater New York Broadcasting Corp., Atlantic City, N. J. (proposed studio location, New York, N. Y.) (proposed transmitter location, Kearney, N. J.).—C. P., **1100 kc.**, 5 KW, unlimited time (requests facilities of WOV and WBIL). Present assignment: **1100 kc.**, 5 KW, specified hours (WBIL).

WPG—City of Atlantic City (Assignor), Greater New York Broadcasting Corp (Assignee), Atlantic City, N. J.—Voluntary assignment of license, **1100 kc.**, 5 KW, specified hours (WBIL).

Report No. B-28:

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

Report No. B-31:

NEW—The Moody Bible Institute Radio Station, Chicago, Ill.—C. P., **41300 kc.**, 100 watts, emission A-3, unlimited time.

Friday, September 15

W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, **25950 kc.**, 1000 watts, 1000 watts LS, emission A-3, unlimited, according to Rule 983 (a).

W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, **88000, 120000, 240000** and **500000 kc.**, 500 watts, 500 watts LS, emission A-3, unlimited, according to Rule 983 (a).

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

September 28

Oral Argument Before the Commission

Report No. B-52:

KRSC—Radio Sales Corp., Seattle, Wash.—C. P., **1120 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 250 watts, unlimited time.

Report No. B-65:

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

Report No. B-70:

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—C. P., **1320 kc.**, 250 watts, unlimited time (DA night).

Report No. B-71:

NEW—Thumb Broadcasting Co., Brown City, Mich.—C. P., **880 kc.**, 1 KW, daytime.

October 5

Oral Argument Before the Commission

Report No. B-62:

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Report No. B-68:

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **880 kc.**, 250 watts, unlimited time. Present assignment: **1370 kc.**, 250 watts, daytime.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—C. P., **880 kc.**, 500 watts, unlimited time (DA day and night).

Report No. B-73:

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.**, 100 watts, unlimited time.

October 16

Hearing Before the Committee

To Be Held in Room 1411

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

November 8

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.,** 100 watts, unlimited time.

November 14

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—C. P., **930 kc.,** 1 KW, unlimited time. Present assignment: **1370 kc.,** 100 watts, 250 watts LS, shares KONO.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., **930 kc.,** 500 watts, unlimited time (DA day and night). Present assignment: **1360 kc.,** 500 watts, shares WGES.

November 27

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.,** 1 KW, limited time (KEX and KOB).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Granted C. P. for new high frequency broadcast station to operate on frequencies **43400 kc.,** conditionally; 1 KW.

WJMS—WJMS, Inc., Ironwood, Mich.—Granted C. P. to make changes in equipment and increase day and night power from 100 to 250 watts.

NEW—Stromberg-Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted C. P. for new high frequency broadcast station to operate on **43200 kc.,** conditionally; 1 KW.

WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

NEW—The Journal Company (The Milwaukee Journal).—Granted C. P. for new high frequency broadcast station to operate on frequency **42600 kc.,** with 1 KW power.

National Broadcasting Co., New York City.—Granted extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government, for a period of 1 year from September 15.

NEW—Bell Tel. Labs., Inc., Whippany, N. J.—Granted C. P. for new developmental broadcast station to operate on frequency **43200 kc.,** conditionally; 5 KW power.

NEW—Allen B. DuMont Labs., Inc. (Passiac, N. J., area of USA), Portable-Mobile.—Granted C. P. for new portable-mobile television relay station to be operated in the New York area on an experimental basis; frequencies **156000-162000 kc.,** auran and visual power 50 watts.

W1XEH—The Travelers Broadcasting Corp., Avon, Conn.—Granted license for a new high frequency broadcast station to use frequency **42460 kc.,** 150 watts.

W6XDU—Don Lee Broadcasting System, Los Angeles, Portable-Mobile.—Granted modification of C. P. to make changes in equipment, reduce power from 100 watts to 6.5 watts, and change frequencies to **321000-327000 kc.**

The following stations were granted modification of licenses to increase operating power to 250 watts, unlimited time:

WCHV, Charlottesville, Va.; WRAL, Raleigh, N. C.; WRGA, Rome, Ga.; WSLI, Jackson, Miss.; KRMD, Shreveport, La.; KMLB, Monroe, La.; WJBC, Bloomington, Ill.; KLUF, Galveston, Tex.; WEOA, Evansville, Ind.; KPQ, Wenatchee, Wash.; WDNC, Durham, N. C.; WGNC, Gastonia, N. C.; WSIX, Nashville, Tenn.; WSTP, Salisbury, N. C.; KCMC, Texarkana, Tex.; WHLB, Virginia, Minn.; WMFG, Hibbing, Minn.; WSAU, Wausau, Wis.; WTRC, Elkhart, Ind.; KSRO, Santa Rosa, Calif.; WIL, St. Louis, Mo.; WTMA, Charleston, S. C.; WKBZ, Muskegon, Mich.; WEED, Rocky Mount, N. C.; WAML, Laurel, Miss.; KBND, Bend, Ore.; KVEC, San Luis Obispo, Calif.; KPLC, Lake Charles, La.; WMBH, Joplin, Mo.; WCAX, Burlington, Vt.; WCBM, Baltimore, Md.; KOCY, Oklahoma City, Okla.; WAYX, Waycross, Ga.; WEBQ, Harrisburg, Ill.; WNOE, New Orleans, La.; WBBZ, Ponca City, Okla.; KELO, Sioux Falls, S. Dak.; WIBU, Poynette, Wis.; KXRO, Aberdeen, Wash.; KPFA, Helena, Mont.; KWYO, Sheridan, Wyo.; WABY, Albany, N. Y.; WNBF, Binghamton, N. Y.; WBEO, Marquette, Mich.; WEST, Easton, Pa.; WGH, Newport News, Va.; WATL, Atlanta, Ga.; WMBS, Uniontown, Pa.; WSNJ, Bridgeton, N. J.; WPAX, Thomasville, Ga.; KOBH, Rapid City, S. Dak.; WHFC, Cicero, Ill.; KFAM, St. Cloud, Minn.; KGHI, Little Rock, Ark.; KGKL, San Angelo, Tex.; KVOX, Moorhead, Minn.; WTMV, E. St. Louis, Ill.; KRBC, Abilene, Tex.; WMIN, St. Paul, Minn.; KRE, Berkeley, Calif.; WIBX, Utica, N. Y.; WBRE, Wilkes-Barre, Pa.; WDAS, Philadelphia, Pa.; WMBO, Auburn, N. Y.; WCPO, Cincinnati, Ohio; WRBL, Columbus, Ga.; WJNO, West Palm Beach, Fla.; WRDW, Augusta, Ga.; KWOS, Jefferson City, Mo.; KCKN, Kansas City, Mo.

NEW—Westinghouse E. and M. Co., Boston, Mass.—Granted C. P. for new high frequency broadcast station to operate on **42600 kc.,** conditionally, 1 KW.

NEW—National Broadcasting Co., Inc., New York City.—Granted C. P. for new high frequency broadcast station to operate on **42600 kc.,** conditionally, 1 KW.

NEW—The Cincinnati Times-Star Company, Cincinnati, Ohio.—Granted C. P. for new high frequency facsimile broadcast station on an experimental basis to operate on frequency **25175 kc.,** conditionally, 100 watts.

Columbia Broadcasting System, Inc., New York City.—Granted extension of authority to transmit programs to CFRB and CKAC and other stations under the control of the Canadian Broadcasting Corp.

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs to stations CFCF, CBL and the Canadian Broadcasting Corp., for period of 1 year.

KIT—Carl E. Haymond, Yakima, Wash.—Granted modification of license to increase night power to 1 KW.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Dates for the hearing have not yet been set.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Application for C. P. for new station, already in hearing docket, amended so as to request operation on frequency **680 kc.,** 250 watts, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

RENEWAL OF LICENSES

The following broadcast stations were granted renewal of licenses:

KFBB, Great Falls, Mont.; KFIO, Spokane, Wash.; KFJZ, Fort Worth, Tex.; KFKU, Lawrence, Kans.; KGCU, Mandan, N. Dak.; KGGF, Coffeyville, Kans.; KGVO, Missoula, Mont.; KIT, Yakima, Wash.; KLS, Oakland, Calif.; KFWB, Los Angeles, Calif.; KMBC and auxiliary, Kansas City, Mo.; KOIL, Omaha, Nebr.; KOIN, Portland, Ore.; KOL, Seattle, Wash.; KPAC, Port Arthur, Tex.; KQW, San Jose, Calif.; KTFI, Twin Falls, Idaho; KTMS, Santa Barbara, Calif.; KTW, Seattle, Wash.; KUOA, Siloam Springs, Ark.; KWSC, Pullman, Wash.; KXOK, St. Louis, Mo.; KMA, Shenandoah, Iowa; WAAT, Jersey City, N. J.; WATR, Waterbury, Conn.; WAVE, Louisville, Ky.; WBRC, Birmingham, Ala.; WCAD, Canton, N. Y.; WCAE and auxiliary, Pittsburgh, Pa.; WCOP, Boston, Mass.; WDAE, Tampa, Fla.

The following applications for renewal of relay broadcast stations were granted for a period of one year:

WOEB, Agricultural Broadcasting Co.; KIEO, Airfan Radio Corp., Ltd.; KAIH and KAXA, Earle C. Anthony, Inc.; WATA, Ashland Broadcasting Co.; WBAM, WBAO and WBAQ, Bamberger Broadcasting Service, Inc.; KAXD, A. H. Belo Corp.; KNED, Carter Publications, Inc.; KABJ, Central States Broadcasting Co.; WAHJ and WBGN, The Champaign News-Gazette, Inc.; WADA, Charleston Broadcasting Co.; WASJ, WNYK, WNYL, WNYN and

WNYO, City of New York, Municipal Broadcasting System; KAAC, KAAZ, WAAU, WAEW, WCBN, WIEK, Columbia Broadcasting System, Inc.; WLWA and WLWB, The Crosley Corp.; WAUT, Evansville on the Air, Inc.; WAAS, WENM, WKFB, The Evening News Assn.; KABB, KABD and KAOG, Don Lee Broadcasting System; KIEL, Fisher's Blend Station, Inc.; WGHB and WTHB, Florida West Coast Broadcasting Co., Inc.; WOEG, General Electric Co.; WQER and WQET, Georgia School of Technology; KIIS, Harris County Broadcast Co.; WAXE, Havens & Martin, Inc.; WBGL, Head of the Lakes Broadcasting Co.; KAGM, Hirsch Battery and Radio Co.; WATB, Indianapolis Broadcasting, Inc.; KILB, International Broadcasting Corp.; WMFT, Isle of Dreams Broadcasting Corp.; WAHB and WJER, The Journal Company (The Milwaukee Journal); KDEA, The KANS Broadcasting Co.; KIIH, KFAB Broadcasting Co.; KAOE and KAOF, KFNF, Inc.; KAXY, KGKO Broadcasting Co.; KAAO and KAAR, KLZ Broadcasting Co.; WIEH, Knickerbocker Broadcasting Co., Inc.; KAAJ, KVOX Broadcasting Co.; WAXJ, Lamar Life Ins. Co.; WAIC, The Louisville Times Co.; KSCR, McClatchy Broadcasting Co.; KABG, Ben S. McGlashan; WAAO, Arthur Malcolm McGregor and Dorothy Charlotte McGregor; WAUC, Matheson Radio Co., Inc.; KEMA, May Seed and Nursery Co.; WIEF, Miami Broadcasting Co.; WAFY, Minn. Broadcasting Corp.; KIFF, Missouri Broadcasting Corp.; KAAW, Mosby's, Inc.; KIGA, National Battery Broadcasting Co.; KDLA, KHCM, KSFM, WAOB, WIEO, WIEW, WIEX, WMEF, WMFL, WMFS, WNBE, WNBJ, WNBM, WNBT, WNBU, WNBV, and WOEH, The National Broadcasting Co.; WADP and WADQ, National Life and Accident Ins. Co., Inc.; WBAC, New Jersey Broadcasting Corp.; KADB, KBLE and KIFO, Nichols and Warinner, Inc.; WRDI, Northwestern Publishing Co.; WAOE, Martin R. O'Brien; WAUQ and WGBE, Onondaga Radio Broadcasting Corp.; WAHL, Paducah Broadcasting Co., Inc.; WAEA, W. A. Patterson; KNEB and KNEC, Puget Sound Broadcasting Co., Inc.; KQCB, Queen City Broadcasting Co., Inc.; KBIC, Radio Service Corp. of Utah; WAAR, Rockford Broadcasters, Inc.; KIEF and KIEG, Seattle Broadcasting Co.; WATD, South Bend Tribune; WAEB, Southeastern Broadcasting Co., Inc.; KAAN, Southern Minn. Broadcasting Co.; WJEN and WJEP, Stromberg-Carlson Tel. Mfg. Co.; WDAJ, Tampa Times Co.; KABH, Tri-State Broadcasting System, Inc.; WAUI, University of Illinois; WATC, WAVE, Inc.; WBNT, WBNX, Inc.; WJLF, WBNS, Inc.; WMFZ, WCBS, Inc.; WAAC and WAAE, WDZ Broadcasting Co.; KAOD, Wescoast Broadcasting Co.; WBGM, WEMC and WHER, Westinghouse E. and M. Co.; WAAH, West Virginia Broadcasting Corp.; WAAI and WAAQ, The WGAR Broadcasting Co.; WGNA, WGN, Inc.; KAXB and KAZA, WKY Radiophone Co.; WABA, Wodaam Corp.; WLEB, WOKO, Inc.; KAID, Woodmen of the World Life Ins. Society; WAUD, WSIX, Inc.; WSMA and WSMC, WSMB, Inc.; WAAK, WSOC, Inc.; WAHE, WTAR Radio Corp.; KIFI, George W. Young.

MISCELLANEOUS

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Granted special temporary authority to operate a 50 watt portable transmitter on **1360 kc.,** between the hours of 1 and 6 a. m., for a period not to exceed thirty days to conduct tests for transmitter site.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted special temporary authority to rebroadcast over Station WMC from 3:30 to 3:45 p. m., CST, on Sunday, September 3, 1939, Drill Session of "Emergency Network of Amateur Stations" as follows: W5HON, W4FQD, W5GYR, W5HDC, W4FTN, W4GFK, W4FTC, W4GCB.

WEOD—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate Relay Broadcast Station WEOD with the power of 250 watts, in accordance with Section 40.04, for the period September 10 to October 9, 1939, in order to carry out the program of experimentation outlined in the application for construction permit granted January 24, 1939.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate with power of 250 watts, from 6:15 p. m., EST, to midnight for the period September 1 to September 10, 1939, in order to broadcast War News.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate unlimited time with power of 1 KW in order to broadcast matters concerning present European crisis, for the period September 1 to September 10, 1939

Saginaw Broadcasting Co., Saginaw, Mich.—Denied petition of Saginaw Broadcasting Company for a continuance of the oral argument in the matter of the applications of Saginaw Broadcasting Company, Saginaw, Michigan (Docket No. 3651), and Harold F. Gross and Edmund C. Shields, Saginaw, Michigan (Docket No. 3899) (B-5).

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (September, 6:30 p. m., CST), to 11:05 p. m., CST, using 100 watts power on September 1, 2, 5, 6, 7, 8, 9, 18, 19, 20, 21, 22, 23, 25, 27, 28 and 30, 1939, in order to broadcast civic, charitable, religious, educational, fraternal and commercial programs.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Denied special temporary authority to operate from 6:45 p. m., CST, to sunset, Station KNX, Los Angeles, Calif. (September, 6:00 p. m., PST), for the month of September, in order to broadcast civic, charitable, religious, educational, fraternal and commercial programs of outstanding local interest.

KFRU—KFRU, Inc., Columbia, Mo.—Accepted amendment to application for C. P. to change frequency and power so as to request 250 watts power at night in lieu of 100 watts.

NEW—Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Adopted proposed Findings of Fact and Conclusions (B-61), entered on August 2, and entered Final Order granting application for a new station to operate on **1260 kc.,** with 1 KW power during daytime hours, effective September 1, 1939.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Denied special temporary authority to operate Saturdays, September 2, 9, 16, 23 and 30, 1939, from 10 p. m. to 1 a. m., AST, the following Sundays, in order to broadcast social activities at the Mayaguez Country Club: September 3, 10, 17 and 24, 1939, from 9 to 11 a. m., and 2 to 6 p. m., AST, in order to broadcast baseball games at the Municipal Stadium and College of Agriculture and Mechanical Arts and from 10 to 12 p. m. in order to broadcast music from Columbus Square; September 4, 1939, from 9 to 11 a. m., and 2 to 6 p. m., AST, in order to broadcast baseball games and activities pertaining to Labor Day and from 10 to 12 p. m., AST, in order to broadcast social activities relative to the day from Hotel La Palma Roof Garden.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate from 8:15 p. m. to midnight, EST, September 11, 1939, in order to carry the broadcast of the official opening of the New York Broadcasting System.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted special temporary authority to operate from 9:00 to 10:00 p. m., EST, September 4, 1939, for a period of ten days only, in order to be able to carry broadcasts concerning the present European crisis.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with Station KTHS on **1060 kc.,** from 9:00 p. m. to 6:00 a. m., EST, for a period not to exceed ten days, in order to broadcast news bulletins on European situation.

WPIC—Sharon Herald Broadcasting Co., Sharon, Penn.—Granted special temporary authority to operate unlimited time with power of 250 watts in order to broadcast matters concerning present European crisis, for the period September 1 to September 10, 1939.

National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to rebroadcast a description of the Cleveland Air Races as seen from the air to be received from U. S. Army Station aboard U. S. Army Bomber B 17 A while flying over Cleveland Airfield, on September 3, 1939.

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Granted special temporary authority to operate from 9:00 p. m., EST, on September 3, 1939, to the close of the President's address.

WMFO—James R. Doss, Jr., Decatur, Alabama—Granted special temporary authority to operate unlimited time for a period not to exceed ten days, in order to broadcast news bulletins.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate unlimited time using 100 watts only for a period of ten days only, in order to broadcast Transradio News Reports of European crisis.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from 6:45 p. m. to 7:00 p. m., EST, for a period of ten days only, in order to broadcast Dr. Freeman's comments on the European situation.

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Granted special temporary authority to operate unlimited time for a period not to exceed ten days, in order to broadcast war news coverage.

WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate unlimited time for a period not to exceed ten days, in order to broadcast War News.

WGEA—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to remain silent on the frequency **21500 kc.**, for a period of ten days only and to waive the condition set forth in the existing license, which provides 'that three hours of each twenty-four hours shall be the minimum time for use of the frequency **21500 kc.**' in order that Station WGEA may have additional time for broadcasts on the frequency **15330 kc.**, relative to the present European crisis.

NEW—Onondaga Radio Broadcasting Corp. (Syracuse, N. Y.), Portable-Mobile.—Granted C. P. for new low frequency relay broadcast station to operate on frequencies **1646**, **2090**, **2190** and **2830 kc.**, 20 watts.

WSLA (formerly W1XAL)—World Wide Broadcasting Corp., Boston, Mass.—Granted C. P. to move transmitter from 70 Brookline Ave., Boston, to Hatherly Beach, near town of Scituate, Mass.

WSLR (formerly W1XAR)—World Wide Broadcasting Corp., Boston, Mass.—Granted C. P. to move transmitter from 70 Brookline Ave., Boston, to Hatherly Beach, near town of Scituate, Mass.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted petition to intervene in the hearing on the application of Clarence H. Frey and Robert O. Greever for a new station in Logan, W. Va., scheduled for hearing on September 8, but denied the petition in so far as it requests enlargement of the issues.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted petition to intervene and to enlarge the issues in re application of Clarence H. Frey and Robert O. Greever for a new station in Logan, W. Va.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Scheduled oral argument for October 5, 1939.

WGRC—Northside Broadcasting Corp., New Albany, Ind.; NEW—The Gateway Broadcasting Co., Louisville, Ky.—Scheduled oral argument for October 5, 1939.

NEW—WJMS, Inc., Ashland, Wis.—Scheduled oral argument for October 5, 1939.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Denied petition of WHDH for reconsideration of the Commission's action in granting the application of North Shore Broadcasting Company, without hearing, for a new station in Salem, Mass.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Retired to the closed files the application of WBBM for C. P. to make changes in transmitting equipment, as permittee has filed an application to install a new transmitter and requested cancellation of the C. P. to make changes in equipment.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—Granted request for authority to remain silent pending Commission action upon application to move station to a new site, and should such application be granted, pending the actual move.

KMMJ—KMMJ, Inc., Grand Island, Nebr.—Denied petition for reconsideration of the Commission's action in granting the application of the Nebraska Broadcasting Co. for a new station in Hastings, Nebr., to operate on **1200 kc.**, with 100 watts night, 250 watts day, unlimited time.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Denied petition of WJBO for rehearing in the matter of the application of KSAL, R. J. Laubengayer, Salina, Kansas, for C. P. to change frequency from **1500 kc.** to **1120 kc.**, power from 100 watts night, 250 watts LS, to 500 watts night, 1 KW LS, using DA at night, which was granted by the Commission on June 27, 1939.

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Denied petition to rehear or reconsider action of the Commission of June 21, 1939, by which the application of WBOW, Terre Haute, Ind., for a local move of transmitter and change in frequency from **1310 kc.** to **1200 kc.** was granted. The Commission revised its Statement of Facts with respect to the question of interference from the operation of WBOW as proposed.

APPLICATIONS FILED AT FCC

560 Kilocycles

WIND—Johnson-Kennedy Radio Corp., Gary, Ind.—Construction permit to increase power from 1 KW, 5 KW LS, to 5 KW day and night, and make changes in directional antenna. Amended: Changes in directional antenna system.

610 Kilocycles

WCLE—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Voluntary assignment of license from Cleveland Radio Broadcasting Corporation to United Broadcasting Co.

640 Kilocycles

WGAN—Portland Broadcasting System, Inc., Portland, Maine.—Modification of license to change hours of operation from limited to unlimited (DA).

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Voluntary assignment of license from Associated Radiocasting Corporation to United Broadcasting Co.

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Construction permit to install new transmitter and antenna to be determined; increase power from 500 watts to 1 KW, 5 KW LS; change hours of operation from limited to unlimited; move transmitter from 9631 Wilshire Blvd., Beverly Hills, Calif., to site to be determined, near Culver City, Calif. Amended: Re antenna specifications and give transmitter site as Moynier Lane, between Adams Blvd. and Higuerra St., near Culver City, Calif.

KTRH—KTRH Broadcasting Co., Houston, Tex.—Construction permit to change frequency from **1290 kc.** to **710 kc.**; increase power from 1 KW, 5 KW LS, to 10 KW day and night, antenna to be determined; install new transmitter and move transmitter from Deepwater Station, Houston, Texas, to site to be determined near Houston, Texas.

810 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Authority to determine operating power of auxiliary transmitter by direct measurement of antenna power.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Authority to determine operating power by direct measurement of antenna power.

890 Kilocycles

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—License to cover construction permit (B5-P-2055) as modified for change in frequency, installation of new transmitter, installation of directional antenna for night, change hours of operation, and increase power.

920 Kilocycles

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—License to cover construction permit (B5-P-1572) for increase in power, change in hours of operation, equipment changes, and installation of new antenna.

930 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Authority to determine operating power by direct measurement of antenna power.

WELI—City Broadcasting Corp., New Haven, Conn.—License to cover construction permit (B1-MP-760) for change in frequency, changes in hours of operation, change in power, move of transmitter, and installation of directional antenna for night use.

940 Kilocycles

WHA—University of Wisconsin, Madison, Wis.—Modification of license to change name from University of Wisconsin to State of Wisconsin, University of Wisconsin.

950 Kilocycles

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Construction permit to increase power from 1 KW, 5 KW LS to 5 KW day and night, and install directional antenna for night use.

1040 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Modification of construction permit (B4-P-2143) for change in frequency and move, requesting increase in power from 100 watts, 250 watts LS to 250 watts day and night.

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to change frequency from **1210 kc.** to **1200 kc.,** increase power from 100 watts to 250 watts day and night, and make changes in transmitting equipment.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Modification of construction permit (B4-P-2143) for change in frequency and move, requesting approval of antenna and transmitter site at First and Payton Sts., Terre Haute, Ind.

1210 Kilocycles

WEDC—Emil Denemark, Inc., Chicago, Ill.—License to cover construction permit (B4-P-2047) as modified, for increase in power changes in hours of operation, and changes in equipment.

WLOK—The Fort Industry Co., Lima, Ohio.—Construction permit to install new transmitter, increase power from 100 watts day to 250 watts day and night and hours of operation from day to unlimited.

NEW—J. D. Falvey, Ottumwa, Iowa.—Construction permit for a new broadcast station on **1210 kc.,** 100 watts, unlimited time.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Modification of construction permit (B2-P-2420) for move of transmitter and changes in antenna requesting installation of new transmitter, increase in power from 100 watts to 250 watts day and night, change studio location from 17½ S. 4th St., to 48-52 North 5th St., Zanesville, Ohio, and extend commencement and completion dates to 60 days after grant and 90 days thereafter respectively.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1220 Kilocycles

WCAE—WCAE, Inc., Pittsburgh, Pa.—Construction permit to increase power from 1 KW, 5 KW LS to 5 KW day and night, using directional antenna at night.

1230 Kilocycles

KGBX—Springfield Broadcasting Co., Springfield, Mo.—Construction permit to install new transmitter, increase power from 500 watts to 5 KW, make changes in directional antenna (night use).

1270 Kilocycles

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

NEW—George F. Meyer, Medford, Wis.—Construction permit for new broadcast station on **1310 kc.,** 250 watts, daytime.

KOME—Oil Capitol Sales Corp., Tulsa, Okla.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KVOL—Evangeline Broadcasting Co., Inc., Lafayette, La.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1370 Kilocycles

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to install new transmitter and antenna, change frequency from **630 kc.** to **1370 kc.,** decrease power from 500 watts, 1 KW LS to 100 watts, 250 watts LS, change hours of operation from simultaneous day, share WGBF night to unlimited time, and move transmitter from 1200 Broadway, Columbia, Missouri, to site to be determined, Columbia, Missouri (contingent on KXOK and WGBF B4-P-2323 and B4-P-2321). Amended: To request 250 watts day and night.

NEW—Hobart Stephenson, Milton Edge & Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Construction permit for a new broadcast station on **1370 kc.,** 250 watts, unlimited time.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Modification of construction permit (B3-P-1954) for new station requesting approval of antenna, approval of transmitter and studio sites at 35th Ave. and 4th St., N., St. Petersburg, Fla., and to install new transmitter.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KGFL—KGFL, Inc., Roswell, N. Mex.—Modification of license to change hours of operation from 6 a. m. to 1 p. m. and 4 p. m. to 7:30 p. m., MST, to 6 a. m. to 7:30 p. m., MST.

1390 Kilocycles

WHK—Radio Air Service Corp., Cleveland, Ohio.—Extension of special experimental authorization to transmit facsimile signals from 1 a. m. to 6 a. m., EST, using 1 KW, for the period 11-1-39 to 8-1-40.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Voluntary assignment of license from Radio Air Service Corporation to United Broadcasting Company.

1420 Kilocycles

WSPB—WSPB, Inc., Sarasota, Fla.—Modification of construction permit (B3-P-2416) for a new station, requesting approval of antenna, installation of new transmitter, approval of studio and transmitter site at Ringling Isle, Sarasota, Fla.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Modification of construction permit (B3-P-2359) for new equipment, new antenna, increase in power and move of transmitter, further requesting increase in power from 1 KW, 5 KW LS, to 5 KW day and night; installation of directional antenna for night use; and extend commencement and completion dates 30 days after grant and 180 days thereafter, respectively.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to install new transmitter, vertical antenna; increase power from 100 watts to 500 watts night, 1 KW day; change frequency from **1210 kc.** to **1440 kc.;** and move transmitter from Municipal Wharf, Monterey, Calif., to site to be determined, near Monterey, Calif.

1500 Kilocycles

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Construction permit to install new transmitter and increase power from 100 watts to 250 watts.

KOVC—KOVC, Inc., Valley City, N. Dak.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

MISCELLANEOUS

W2XQR—John V. L. Hogan, New York, N. Y.—Modification of construction permit (B1-PHB-66) specifying transmitter location to be in Alpine, N. J., and change frequency from **111500 kc.** to **43200 kc.** Amended: Transmitter location to be 3104 Northern Blvd. (Long Island City), New York.

W2XWE—WOKO, Inc., Albany, N. Y.—Modification of construction permit (B1-PFB-14) to install new equipment.

NEW—WDRC, Inc., Meriden, Conn.—Construction permit for a new television broadcast station to be located summit of West Peak, Meriden, Conn., on **96000-102000 kc.,** 1000 watts aural and visual, emission A3 and A5.

WEHB—Cleveland Radio Broadcasting Corporation, area of Cleveland, Ohio.—Voluntary assignment of license from Cleveland Radio Broadcasting Corporation to the United Broadcasting Company.

WEHB—Cleveland Radio Broadcasting Corporation, area of Cleveland, Ohio.—Voluntary assignment of license from Cleveland Radio Broadcasting Corporation to the United Broadcasting Company.

WEHF—Cleveland Radio Broadcasting Corporation, area of Cleveland, Ohio.—Voluntary assignment of license from Cleveland Radio Broadcasting Corporation to the United Broadcasting Company.

WEHU—Radio Air Service Corporation, area of Cleveland, Ohio.—Voluntary assignment of license from Radio Air Service Corporation to the United Broadcasting Company.

WEHV—Radio Air Service Corporation, area of Cleveland, Ohio.—Voluntary assignment of license from Radio Air Service Corporation to the United Broadcasting Company.

NEW—Grant Union High School District, N. Sacramento, Calif.—Construction permit for a new television broadcast station to be located in North Sacramento, Calif., Grand Avenue at Elm St., on **50000-56000 kc.,** 1000 watts, emission A3, A5 and special (both aural and visual power 1000 watts. Amended to specify F. M. Link equipment.

WNEI—WFBM, Incorporated, area of Indianapolis, Ind.—Modification of construction permit (B4-PRY-157) for changes in equipment.

NEW—The Crosley Corporation, Cincinnati, Ohio.—Construction permit for a new television broadcast station on **50000-56000 kc.,** 1000 watts visual and aural, A3 and A5 emission. Amended to request **44000-50000 kc.**

NEW—Radio Air Service Corp., area of Cleveland, Ohio.—Construction permit for a new relay broadcast station on **37340 kc.,** 50 watts, emission A3 (this transmitter to be used as order circuit). Amended to request additional frequencies of **31620, 35260,** and **39620 kc.,** 25 watts, as program station.

NEW—WIBX, Inc., Marshall, N. Y.—Construction permit for new high frequency broadcast station on **43400 kc.,** 1 KW, unlimited time, special emission for frequency modulation.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—Construction permit for new television station on visual: **336000-346000 kc.,** 25 watts; aural: **180000-186000 kc.,** 25 watts, special and A-4 emission; unlimited time.

NEW—Mason City Globe Gazette Co., area of Mason City, Iowa.—Construction permit for a new low frequency relay broadcast station on **1622, 2058, 2150** and **2790 kc.,** 2 watts, A3 emission.

W9XYH—Head of the Lakes Broadcasting Company, Superior, Wis.—Modification of construction permit (B4-PHB-75) for new station, requesting change in frequency from **26300 kc.** to **43000 kc.,** and extend commencement and completion dates to 60 days after grant and 90 days thereafter, respectively.

WEGR—Donald A. Burton, area of Muncie, Ind.—Construction permit to install new transmitter and increase power from 5 watts to 15 watts.

WEGS—Donald A. Burton, area of Muncie, Ind.—Construction permit to make changes in equipment.

WEHX—Radio Air Service Corporation, area of Cleveland, Ohio.—Voluntary assignment of license from Radio Air Service Corporation to the United Broadcasting Company.

W8XE—Radio Air Service Corporation, Cleveland, Ohio.—Voluntary assignment of license from Radio Air Service Corporation to the United Broadcasting Company.

W8XNT—Radio Air Service Corporation, Cleveland, Ohio.—Voluntary assignment of license from Radio Air Service Corporation to the United Broadcasting Company.

WAFZ—Minnesota Broadcasting Corp., area of St. Paul and Minneapolis, Minn.—Modification of license to change power from 7.5 watts to 2.5 watts.

WEIN—The Journal Company (Milwaukee Journal), area of Milwaukee, Wisc.—License to cover construction permit (B4-PRE-273) for changes in equipment and decrease power from 50 watts to 25 watts.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Brunswick Worsted Mills, Inc., Moosup, Conn., manufacturer of worsteds and other woolen fabrics which are sold to manufacturers of men's suits, and other merchandise, and its exclusive sales agents, George O. Leckie and Henry C. Haskell, trading as Leckie & Haskell, 257 Fourth Ave., New York, were charged with failure to reveal the material content of a fabric composed in part of wool and rayon, by offering it for sale in the same manner as was customary in connection with the sale of Brunswick's exclusively woolen fabrics. The complaint points out that due to their long continued dealing in exclusively woolen fabrics the respondents' practice was to sell these products by number and sample without labeling or otherwise identifying the fiber content.

The complaint alleges that by reason of the respondents' reputation as dealers in woolen fabrics exclusively and by their failure to disclose that certain fabrics were a mixture of wool and rayon, purchasers relying on the respondents' reputation were misled into the erroneous belief that such mixed fabrics were composed wholly of wool, and suit and garment manufacturers purchasing such products were enabled to pass them off to the public as being genuine worsted or composed entirely of wool. (3880)

Cardinal Company—A complaint has been issued against Charles L. Klapp, trading as The Cardinal Co. and as The Cardinal Company of St. Louis, 406 Market St., St. Louis, charging the use of false and misleading representations in the sale of Femalade, an alleged treatment for delayed menstruation.

The complaint alleges that Femalade does not, as advertised by the respondent, constitute a competent, safe or effective treatment for delayed menstruation. It is also charged that the respondent's advertisements are false in that they fail to reveal that use of Femalade under the conditions prescribed in the advertisements or under customary or usual conditions may result in serious or irreparable injury to the health of users. (3879)

Diamond Knitting Mills, Inc., 7th and Green Sts., Philadelphia, was charged with representing by means of the words "Silk" and "All Silk" on tags, labels, and by other means, that certain of its knitted wearing apparel was composed entirely of unweighted silk, when in truth such products were composed entirely of weighted silk, which is silk that has been subjected to the process of a metallic bath and contains more than 15 per cent by weight of metallic salts or other weighting substance. (3877)

Kaufman Bros. & Bondy, Inc.—Complaints have been issued against two companies charging the use of lottery plans in the sale and distribution of their merchandise to ultimate consumers.

Kaufman Bros. & Bondy, Inc., 740 Broadway, West New York, N. J., was alleged to have promoted the sale of its pipes through distribution of push cards and punch boards. (3881)

Stone Bros., Inc., 1838 West 33rd St., Chicago, was charged with distributing push cards for use in the sale of its candy and its liquor chests. (3878)

Irving Napp, trading as Napp's Longlife Hosiery, 107 West 75th St., New York, was alleged to misrepresent hosiery which he sold as being run-proof and snag-proof, guaranteed for six months against runs or holes, and capable of outwearing all other hosiery on the market, and to represent that prompt adjustments would be made where the customer was not satisfied. The complaint charges that the respondent filled certain orders with hosiery of different size, color or quality than ordered and in certain instances failed and refused to furnish hosiery after receiving orders with deposits and did not return such deposits. Further allegations are that the respondent did not, in many instances, adjust or correct orders which were improperly filled by him, and failed and refused to refund money or furnish new hosiery in accordance with the terms of his purported guarantee and representations. (3875)

Petersime Incubator Company, Gettysburg, Ohio, was charged with representing that "Petersime Electro-Thermo Bath", a device for applying dry heat to the body, has therapeutic value in the treatment of rheumatism, arthritis, sciatica, gout, kidney trouble, nervousness, high blood pressure, colds, fatigue, poor elimination, neurosis, frayed nerves, insomnia, overweight, neuritis, underweight, lumbago and low metabolism, when such are not the facts. According to the complaint, the respondent's device serves to apply dry heat to the body, and is not a cure, remedy or competent treatment for any disease. It is further charged that the regular use of the respondent's device may be harmful, especially to debilitated individuals and persons with deficient circulation. (3883)

Standard Toykraft Products, Inc.—In a complaint, Standard Toykraft Products, Inc., 319-327 McKibbin St., Brooklyn, N. Y., was charged with having misleadingly represented by means of the statement "TOYKRAFT KNITTING SPOOL SET, Copyright 1936 and Made by Standard Toykraft Products, Inc., New York, U. S. A." on containers, that certain of its toy sets were wholly manufactured in the United States, when in truth a substantial portion of the units comprising such sets were made in Japan and assembled by the respondent company in the United States. (3876)

Stone Bros., Inc.—See Kaufman Bros. & Bondy, Inc.

Universal Industries, Inc.—A complaint has been issued against Universal Industries, Inc., and Abraham Leonard Koolish, Mrs. Ida B. Koolish and George William Ehrlich, officers and directors, 6227 Broadway, Chicago, charging misleading representations in the sale of a sales stimulator plan.

The complaint alleges the respondents misleadingly represented Universal Industries, Inc., as having been engaged in the sale of sales stimulator plans for 29 years, and as having strong financial ratings with assets amounting to $200,000, when in truth the respondent corporation was organized in 1939 and its assets are substantially less than the purported amount. It is further alleged that the respondents claimed their salesmen and distributors earn amounts which are far in excess of those normally earned by its representatives.

The complaint also charges the respondents with misrepresenting the cost to dealers of operating the sales plan, and with misrepresenting the retail value of premium merchandise and the circumstances concerning the award of alleged "free" gifts to sales representatives. (3882)

Vitaphore Appliances, Inc., South Bend, Ind., was alleged to represent that "Vibratherm" a heat and massage device, will cure prostate gland and women's disorders, and kindred disorders of the pelvic region, when such are not the facts. "Vibratherm", it was further charged, is not a cure for hemorrhoids, constipation and sexual decline, as advertised by the respondent. Nor, the complaint continues, can the device be used without risk. It is alleged that, contrary to the respondent's representations, its device does not combine heat, infra-red, vibration and massage, and has no therapeutic value other than possible temporary symptomatic relief of pain by locally applied heat. (3884)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

E. A. Hoffman Candy Company, 6600 Avalon Blvd., Los Angeles, was ordered to cease selling candy or any other merchandise by means of lottery devices, or supplying dealers with lottery devices to be used in the sale of candy or other merchandise to ultimate consumers.

Spencer Business College—Trading as Spencer Business College, Melvin B. Selcer, Mary F. Selcer, Clay Spencer and Charlotte Spencer, co-partners, and Ray Axton, manager of the "extension division", were ordered to cease representing that they offer correspondence courses at a discount price unless such price is substantially lower than that at which the courses ordinarily are sold. They were also required to desist from misrepresenting the actual cost of materials used in the courses or the sales terms and conditions or the extent to which sale of the courses is limited.

The order also prohibited use of the term "scholarship" to describe an offer of a correspondence course for which the recipient was required to pay substantially the customary price.

Representation that the respondents maintain a branch office in any locality wherein they do not have such an office was also forbidden. (3694)

STIPULATIONS

The Commission has entered into the following stipulations:

Becker & Company, Inc.—A Boston distributor of office supplies has entered into a stipulation to discontinue misleading representations in the sale of certain of its products.

Becker & Co., Inc., 168 Lincoln St., Boston, in connection with the sale of its typewriter ribbons and carbon paper, stipulated that it will cease representing that the so-called premiums offered by it are "free" or are given "without charge" or as a "reward" for the customer's business, when such is not a fact. The respondent also agreed to discontinue representing that the plans used by it in the merchandising of its products are "profit sharing," so as to imply that the customer, who purchases such products, shares in the profits made by the respondent in the sale of its products, or that the price of each so-called premium purportedly given to the customer represents a part of the profits realized by the respondent in the sale of its carbon papers and typewriter ribbons, when such are not the facts. (2521)

Columbia Baking Company, Atlanta, stipulated that it will cease representing, directly or by implication, that the bread sold by it contains whole milk, or pure rich milk or certified milk, when such are not the facts. The respondent will also cease using in any manner the word "certified" so as to imply that its product has been endorsed authoritatively or attested in writing by a qualified independent agency, board or commission as to quality, qualifications and fitness, unless that is a fact. (2519)

Cyclone Manufacturing Company, Urbana, Ind., agreed to cease using the word "Chromized", "Cromized", or any similar words, as descriptive of the deflector or shield or other part of its brooders, so as to imply that the part so described is composed of chromium, or is chromium plated, when such is not a fact. The respondent will further cease representing that heat rays are evenly diffused to the floor of the entire brooding area, and that the asbestos insulation of its brooder is the best asbestos on the market or has any beneficial insulating value. The respondent also agreed to discontinue misleading claims as to the economy and capacity of its brooders, and to cease representing that its brooder has been tested by the Government, when that is not a fact. (2525)

Hi-Flex Products Company—Charles R. Lumley and James A. Nelson, trading as Hi-Flex Products Company, Seattle, engaged in the compounding of "Hi-Flex", for use as a lubricant for internal combustion engines, agreed to cease using in advertisements, the word "Manufacturers" or similar words, so as to imply that they make the essential ingredients, including the graphite or so-called oildag of which their product is composed, or that they actually own, operate or absolutely control the plant in which such ingredients are made. The respondents further agreed to cease using the word "liquid" as descriptive of the graphite which forms an ingredient of the product sold by them, and to discontinue representing that the so-called "Derby" products have been set up as "Standard" by the United States Government. They also stipulated that they will cease representing that the use of their product will more than double the life of the moving parts of an automobile, and that they will cease exaggerating, by use of any other statements, the effectiveness of their product on the life of the moving parts of an automobile, over and above the effectiveness of plain oil. (2520)

Mme. Huntingford, Inc., Chicago cosmetics dealer, of 600 South Michigan Ave., entered into a stipulation to discontinue misleading representations in the sale of its hair treatments, creams and other preparations.

Under its stipulation, the respondent corporation agrees to cease advertising that any of its products is a scalp food or nourishing oil, or a corrective for dryness or excessive oiliness of the hair, or for baldness or loss of hair, and that its "Special Treatment Cream" reconditions the skin or that "Suave Cleanser" penetrates or flushes the pores.

The respondent agreed to use neither the word "bleach" as part of the trade name of "Bleach Emollient", nor the word "Indian" as part of the name "Indian Oil Astringent." (02421)

Ideal Manufacturing Company—A. G. Olscheske and R. B. McDowell, trading as Ideal Manufacturing Company, West Allis, Wis., stipulated that they will cease representing that savings of 80 per cent, or any other definite amount, can be made by using an Ideal Electric Fence Controller, irrespective of the amount of fencing required; that the use of their electric fence relieves anxiety concerning the escape of livestock or eliminates fencing problems, and that any fence equipped with an Ideal Electric Fence Controller is more effective to confine livestock than any ordinary fence not so equipped. (02422)

J. P. Redington & Company—G. V. Redington and F. E. Redington, trading as J. P. Redington & Co., Scranton, Pa., in connection with their sale and distribution of church furniture and fixtures, agreed to cease using in advertisements, or in any other way, the words "Manufacturers" and "Builders", or any similar words, or the phrase "Direct factory prices", so as to imply to purchasers that they make the products sold by them or that they own, operate, or absolutely control the plant in which their products are made. The respondents also agreed to cease using the word "factory" either alone or in connection with the word "direct" or with any other words as descriptive of the prices at which their products are sold, when such prices are other than factory prices. (2522)

Russia Cement Company, Gloucester, Mass., stipulated that it will cease describing in any manner by means of the word "waterproof" that liquid cement and casein glue, which it manufactures under the trade name "LePage's," are waterproof, when such is not a fact. (2518)

F. Schumacher & Co., 60 West 40th St., New York, entered into a stipulation to discontinue misleading representations in the sale of cotton drapery fabrics bearing the trade name "Waverly Fabrics."

Under the stipulation, the respondent is to cease using the term "Shrinkproof" or "Shrunk" so as to imply that the products to which such words refer are proof against shrinking or have been fully shrunk to the extent that no residual shrinkage remains, when this is not a fact. The stipulation provides that if the products have undergone the application of a shrinkage process and have been shrunk to a substantial extent that there remains a certain amount of residual shrinkage, and the term "Shrunk" or any similar term is used to describe such product, the descriptive term shall be immediately accompanied by some other words printed in equally conspicuous type so as to indicate clearly that there remains a stated amount or percentage of residual shrinkage in both the warp and the filling or in the warp or the filling, whichever has the greater residual shrinkage. (2524)

Silver Mills—Max Silver, trading as Silver Mills, 335 Market St., Philadelphia, agreed to cease using the word "Mills" as part of the trade name under which he wholesales dry goods, or the word "Mills" on his letterheads, invoice blanks, or any way, so as to imply to purchasers that he makes the products sold by him or that he actually owns, operates or absolutely controls the mill, plant or factory in which his products are manufactured, when such are not the facts. (2523)

Termiteol Company—Harve D. Hagerty, trading as Termiteol Company, Covington, La., manufacturer of a termite eradicator, agreed to cease the use in advertisements of representations directly asserting or implying that all new lumber is infested with termites; that 98 per cent of buildings have termites in them; that a survey allegedly made by Termiteol Company of HOLC properties was in fact a "cross-section" inspection of all such properties, or that the average cost of treating a building for termites is comparable to the amount named in the respondent's advertising relating to the so-called Federal Government projects. The respondent will also discontinue claims that only the Termiteol Company insures against termite deterioration or destruction and can supply effective termite treating work, or that the U. S. Bureau of Entomology is properly quoted as saying that New Orleans and its subtropical neighboring territory is dangerously infested with the most destructive type of termites. (2527)

Unit Structures, Inc., Peshtigo, Wis., manufacturer of glued laminated wood structures, including arches and roof supports, stipulated that it will discontinue representing that it introduced laminated wood construction into this country in 1934, or at any other time, or, impliedly or otherwise, that it designed or originated the laminated arches or other construction of a designated building where such arches or construction were in fact made according to specifications prescribed by the owner. (2528)

Ward-Stilson Company, Anderson, Ind., manufacturer of women's apparel and men's shirts, agreed to discontinue advertising, branding, or labeling any product composed in whole or in part of rayon unless full and non-deceptive disclosure of the fiber and other content of such product be made by clearly designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber which is present in less than a substantial amount, or in any case less than 5 per cent, as, for example, "rayon and wool" when the product is composed of rayon and wool throughout, the rayon content predominating, or "wool and rayon" when the amount of wool is at least equal to the amount of rayon present.

The respondent will also discontinue use of the words "Crepe", "Taffeta", "Satin", "Shantung", or any other words connoting silk, so as to imply that the fabric to which such words refer is composed of silk, when such is not a fact. If the words "Crepe", "Taffeta", "Satin" or "Shantung" are used to properly describe the type of weave or construction of a rayon fabric, then the designating word shall be immediately accompanied bv the word "rayon", printed in equally conspicuous type, so as to indicate clearly that such product is in fact rayon, as, for example, "Rayon Crepe", "Rayon Taffeta", "Rayon Satin", or "Rayon Shantung". (2526)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 37, September 15, 1939

Code Effective October 1

The Board of Directors decided Wednesday that the Code would go into effect October 1.

At the same time, the Board directed Neville Miller to appoint a committee fully empowered to interpret and enforce the Code throughout the industry. Mr. Miller immediately announced that Edgar Bill, WMBD, would head this committee.

"The Code is more than an expression of radio policy", Mr. Miller declared. "It is an outstanding example of voluntary industrial self-regulation, conceived and executed in the public interest."

The Code, adopted at the Atlantic City convention, requires that radio stations shall provide free time for the discussion of controversial public issues in such a way that conflicting viewpoints in public matters have a fair and equal opportunity to be heard. In no event will time be sold for such purpose, except for political broadcasts.

"The political broadcasts excepted are any broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally-qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away," Mr. Miller said.

This policy governing the discussion of controversial public issues through radio was adopted, Mr. Miller said, "because of the natural limitation of radio facilities and of the number of hours available per day for broadcasting. Without such a policy, the radio forum could conceivably gravitate almost exclusively to those with the greater means to purchase time. The NAB policy insures that radio will remain a free and democratic form for the fair and many-sided discussion of all public matters."

The Code further requires that news broadcasts be factual and presented without bias or editorial opinion. It also provides that children's programs be based upon "sound social concepts" and that radio stations continue to cooperate with educators in the further development of radio as an educational adjunct. It also provides that no one shall be permitted to use radio to "convey attacks upon another's race or religion."

While the full Code becomes effective October 1, the Board ruled that existing commercial contracts shall be respected for their duration, provided they do not run for more than one year after October 1, 1939. "New business, competitive with existing accounts, may be accepted with the same length of commercial copy as is permitted existing ac-

(Continued on page 3712)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

CODE EFFECTIVE OCTOBER 1

(Continued from page 3711)

counts." The Board directed that the new Code Committee, to be appointed by Mr. Miller, "shall immediately make itself available to resolve doubts of broadcasters as to whether proposed new business conforms or can be made to conform to the Code.

The full resolution adopted by the Board, making the Code effective October 1, follows:

Resolved that the Code of the National Association of Broadcasters adopted by the Seventeenth Annual Convention of the Association become fully effective October 1, 1939, except as it may apply to existing commercial contracts which shall be respected for their duration but provided they do not run for more than one year from October 1, 1939.

The Code Compliance Committee shall immediately make itself available to resolve doubts of broadcasters as to whether proposed new business conforms or can be made to conform to the Code.

New business, competitive with existing accounts, may be accepted with the same length of commercial copy as is permitted to the existing accounts.

Penna. Supreme Court Reverses Libel Decision

The Supreme Court of Pennsylvania for the Western District has reversed the decision rendered by the lower court in the case of Summit Hotel Company v. National Broadcasting Company, in which $15,000 damages were awarded the hotel company for defamatory remarks uttered by Al Jolson. Jolson was appearing on a program sponsored by Shell Eastern Petroleum Products, Inc., and during the course of an interview by Jolson with the winner of an annual golf championship, Jolson said, in referring to the Summit Hotel, "That's a rotten hotel."

The decision by the Pennsylvania Supreme Court is important to the broadcasting industry as being the first case in which protection has been accorded against liability for defamatory remarks uttered by one not under the control of the station and interjected into the broadcast without warning. In reversing the lower court, Chief Justice Kephart, who delivered the opinion, stated that the defamatory words did not appear in the script, that they had not been made at rehearsal and that the broadcasting company did not know the words were to be used.

The decision discusses the so-called rule of absolute liability imposed in some jurisdictions on the publisher of a newspaper and distinguishes the situation faced by the National Broadcasting Company from that of a newspaper publisher on the grounds that a newspaper publisher has an opportunity to ascertain the truth of the published matter. It then points out that the newspaper analogy of absolute liability has been approved in four cases involving radio broadcasting, but says the facts involved in the case under consideration disclosed no negligence on the part of the broadcasting company, either direct or implied.

Because of the importance of the decision and the detailed discussion of the question of defamation by broadcasting, the full text of the opinion of the Pennsylvania Supreme Court is given below:

In the
Supreme Court of Pennsylvania
Western District
No. 124 March Term, 1939.
Appeal from the judgment of the Court of Common Pleas of Allegheny County.
Summit Hotel Company, a corporation of Pennsylvania,
v.
National Broadcasting Company, a Corporation, Appellant.

Opinion of the Court

Kephart, C. J.:

The National Broadcasting Corporation rented its facilities to the J. Walter Thompson Company, a commercial advertising corporation, for the transmission of a series of sponsored radio programs over one of its networks, comprising 26 stations. The series was sponsored by Shell Eastern Petroleum Products, Inc. The principal performer on the programs was Al Jolson, a comedian. All of the participants, including the announcer, were employed and paid directly by the advertising company. A script for each program was prepared in advance, submitted to the broadcaster, and followed exactly by the performers at rehearsals in the broadcasting studio, where it was approved. The script for June 15, 1935, called for an interview by Jolson with the winner of an annual golf championship. In broadcasting from defendant's studio in Radio City, New York, Jolson, when the program was one-half or two-thirds completed, suddenly interpolated an extemporaneous remark. In response to the golf champion's statement that he secured his first job at the Summit Hotel, Uniontown, Pennsylvania, Jolson said: "That's a rotten hotel."[1] The interjected remark was made without warning; it did not appear in the script, had not been made at rehearsal, and defendant did not know the words were to be used. Present in the studios were defendant's production director and the Thompson program director; neither had an opportunity to prevent the interjection.

An action in trespass for defamation was brought to recover damages for injury to the hotel's reputation and business. No substantial attempt was made to show special damages, and the trial judge instructed the jury that the remarks were "slanderous per se." The lessor broadcasting company was held liable for damages in the sum of $15,000, as awarded by the jury. Motions for new trial and judgment n. o. v. being refused, this appeal followed.

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[1] The exact statement was as follows: "But tell me, Sam, what did you do after you got out of college?" Answer: "I turned golf professional and in 1932 I got a job at the Summit Golf Club in Uniontown, Pennsylvania." Jolson replied "That's a rotten hotel".

The important question raised is whether a radio broadcasting company which leases its facilities is liable for an impromptu defamatory statement, interjected "ad lib." into a radio broadcast by a person, hired by the lessees, and not in the employ of the broadcasting company, the words being carried to the radio listeners by its facilities.

Although foreshadowed in one or two decisions and articles, this problem is unique; it is the first time the precise question has come before an appellate court in the United States or England. The law of defamation by radio is very much in its infancy, though there have been a few cases involving the liability of a broadcasting station or company therefor. But the situations involved in those decisions differ vastly from that which is before us.

The court below held that defendant's liability was absolute though it was without any fault. The fact that it rented its facilities to another to publish and disseminate a non-defamatory program, and that the defamatory interjection was spoken by lessee's employe under circumstances which precluded anticipation or prevention by the broadcaster, was treated as immaterial.

Appellant urges that to impose such liability for acts of the lessee upon a lessor who is utterly without fault, in no sense guilty of any wrong or negligence, is not only contrary to the common law but sets up a rule of liability that has never before existed.

The feature which distinguishes this case from the many cases cited for so-called liability without fault, is that here the broadcasting company rented its facilities to the advertising agency to broadcast a legitimate program. For this purpose the facilities were under the control of the agency. Appellant's program director could not have prevented the utterance by lessee's performer because of its suddenness; the supervision he exercised was merely to see that the facilities carried the program contained in the script. The duty of the monitor in the control room was to modulate and correct vocal sounds, and secure the audible transmission of intelligible, harmonious speech; he was, to this extent, as much a part of the rented facilities as the broadcasting equipment itself. His duty being to see that the program was produced clearly to the public over the air, he would be unable to exclude or eliminate a brief defamatory interjection, not only because of its suddenness, but also because his time is fully occupied with the technical details of his work. Moreover, it would require an expert in law to detect in extended remarks what was, or was not, defamation. In view of the positive assertion that, notwithstanding these circumstances, the broadcasting company is absolutely liable without fault, it will be necessary to examine the theory of absolute liability and the subjects to which it has heretofore applied, so as to ascertain whether it is appropriate in this new form of defamation.

Some writers have traced the origin of liability without fault to an ancient principle that every wrong must have a remedy, and therefore it is urged that the doctrine is not new to the law of torts, in many phases of which it may be found today. Others, on the contrary, have stated that the judicial determination that there may be liability without fault cannot, in strict reasoning, be applied to tort law, which is grounded in negligence, but that it, rather, assumes an independent sphere of compensation for injurious acts. The confusion of concepts has come about through the extension of the principle of liability without fault, covering injuries to land or to rights in land, to tort liability to persons. Distinguished legal scholars, however, have pointed out that the rule of absolute liability persists in several actions, generally included in the field of tort law, such as trespass q. c. f., trespass for nuisance and trespass for injuries caused by wild or domestic animals known to be dangerous, as well as some others which will be touched on later.

In our State, the doctrine of absolute liability has been invoked, almost without exception, only in that small group of actions which redress injuries to land, and it is only as to these that it can be fairly said that the doctrine prevails. This liability is a survival of the medieval law dictated by the landlord, in which the protection of the uninterrupted enjoyment of real property was a primary consideration.

In the very earliest times, all rights, real and personal, were probably entitled to absolute protection, and every injury redressed regardless of fault,[2] but a sharp line of distinction has since been marked between liability for injuries to land and injuries to persons.[3] The case of injuries to land may now be said to be the general exception to the modern rule that liability will not be predicated on innocent and diligent conduct. A tort today implies fault or wrong. Tort liability must be founded upon some blameworthy conduct, or lack of due care resulting in the violation of a duty owing to others.

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It was in the Nineteenth Century that the law of negligence in torts had its development. Personal injury cases then consumed the greater portion of the time of the courts. Cases concerning rights in land yielded their earlier prominence, and the rules of law applicable to them have consequently remained, in the most part, unchanged, even to the present day.

In Pennsylvania, the principle of liability without fault for injuries to the person has received scant consideration. The great body of our law of liability for personal injuries is that of liability through fault; liability based almost exclusively on wrongful conduct. There is, therefore, no proper analogy between the cases of liability without fault for injuries to land and those for personal injuries where fault must be present.

Illustrating the definite trend of judicial decisions in this State to restrict liability without fault to cases affecting land, and, even there, to narrow its application, we may cite the following cases: We have held that the duty of lateral or subjacent support is limited to land in its natural condition, and it is not extended, unless the actor is guilty of negligence or willful misconduct. In *Malone* v. *Pierce*, 231 Pa. 534, we held that one who, in the exercise of his property rights, injuries his neighbor, is liable in damages for willful, wanton, or negligent conduct, saying at page 536:

> ". . . The right to lateral support is limited to land in its natural condition . . ."

See also *Home Brewing Co.* v. *Thomas Colliery Co.*, 274 Pa. 56, at page 60. The right of lateral support is incident to land. *McGettigan* v. *Potts*, 149 Pa. 155.

We find the germ of antecedent wrong even in our cases where "liability without fault" is invoked for injury to land, or to rights growing out of land. Intrusions upon land by persons, animals, or substances cast thereon, usually involve intentional or negligent invasion of the close. The law, recognizing the natural tendency of cattle to stray, imposes a duty on the possessor to keep his flock from another's land or to answer in damages. See *Barber* v. *Mensch*, 157 Pa. 390; *Teller et ux.* v. *Hood*, 81 Pa. Superior Ct. 443, 445. Here it would seem that the rule is not "absolute liability," but that there is a duty to conform to a high standard of care. There is no case in this State where the owner of cattle has been held liable for damages caused by them where he built and maintained an adequate fence which was destroyed through no fault of his. And, in driving livestock along the highway, the owner or possessor is liable only in the absence of reasonable care. *Erdman* v. *Gottshall*, 9 Pa. Superior Ct. 295.

Our Court has refused to follow *Rylands* v. *Fletcher*, L. R. 1 Exch. 265, L. R. 3 H. L. 330, which imposed absolute liability on a landowner for the escape of non-dangerous substances from his land to the land of another. See *Pennsylvania Coal Co.* v. *Sanderson*, 113 Pa. 126. We there said, at page 150:

> "A rule which casts upon an innocent person the responsibility of an insurer is a hard one at best, and will not be generally applied unless required by some public policy, or the contract of the parties."

We have held that in blasting, a person conducting the operation is liable regardless of negligence, but this liability arises out of the inherently dangerous character of such explosions,[4] and requires one who intentionally causes the explosion to be affected with knowledge that injury may result beyond his power to prevent. He therefore must assume the risk. This is not strictly a case of absolute liability.

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[2] The plaintiff under these cases was not required to prove any intent, moral culpability or carelessness and the injuror could not escape liability by showing he acted with the utmost care. The case frequently referred to is the decision in 1466 in Y. B. 6 Edw. IV. 7, 18. See *Holdsworth, A History of English Law* (4th Ed.) Vol. III, pp. 375-382.

[3] In *Weaver* v. *Ward* (1616), Hobart 189, the modern principle of liability for personal injuries was laid down. It was there stated the defendant may escape liability for causing personal injury where the harm "may be judged utterly without his fault." See *Bohlen, Studies in the Law of Torts*, 366; *Wigmore, Responsibility for Tortious Acts; Its History*, 7 Harv. L. Rev. 315.

[4] *Mulchanock* v. *Whitehall Cement Mfg. Co.*, 253 Pa. 262; *Baier et ux.* v. *Glen Alden Coal Co.*, 131 Pa. Superior Ct. 309; *Rafferty* v. *Davis*, 260 Pa. 563; *McGowan* v. *Steele & Sons Co.*, 112 Pa. Superior Ct. 552.

In cases of trespass for nuisance, the person responsible may be unable, no matter how careful, to avoid injury to the lands of another, but, again, he knows that injury may result from the nature of his activities regardless of care. Under such circumstances he also assumes the risk.[5] The responsibility for injury lies in creating or maintaining the harmful condition.

In all of these illustrations, the person responsible has, or should have, prior knowledge of the probable consequences, where the act done, or the instrumentality employed possesses potentialities of serious harm. From these cases it is apparent that our doctrine of liability without fault has very narrow restrictions even in its appropriate sphere of application.

When considering the field of personal injuries there appears no valid exception to the rule that liability can be based only upon intentional wrong-doing or lack of care. There are some cases which have been called, in other jurisdictions,[6] exceptions to this rule. In this State the possessor of wild or domestic animals of a known vicious or dangerous tendency is chargeable with knowledge of the vicious nature of the animal.[7] There is an element of wrongful conduct or a voluntary assumption of the known risk of injury to others in the mere fact of possession. As stated in *Andrews* v. *Smith et ux.*, 324 Pa. 455, at 457: " 'The negligence is in keeping such an animal after notice.' " As to animals normally not dangerous, there is no liability unless the owner is negligent in his care of them. One who drives cattle through the streets of a city is not liable for injuries to third persons unless he fails to exercise care. *Potter T. & T. Co.* v. *Oswald & Hess Co.*, 322 Pa. 81. A person permitting a horse to stand unattended and untethered in the street is presumptively negligent, and liability for personal injuries may be predicated thereupon. *Goodman* v. *Gay*, 15 Pa. 188; *Henry* v. *Klopfer*, 147 Pa. 178; *Jordan et ux.* v. *Eisele*, 273 Pa. 93.

It has been stated that those engaged in an ultra-hazardous activity are liable without fault for injuries caused by carrying on the activity. The rule has been applied in this State only to blasting, and the first cases involved injuries to land. Later it was extended inferentially to personal injuries.[8] In *Rafferty* v. *Davis*, 260 Pa. 563, at 568, it is stated:

> " 'in such a case the work itself is so inherently dangerous, that the doing of it, no matter how carefully, is of itself negligence, so that no amount of care in doing the negligent act will excuse the actor from the responsibility of the consequences which grow from it.' "

The storage of dangerous instrumentalities, such as dynamite, on the owner's land does not make him liable for injuries to persons or property if it explodes, unless it was negligently stored. The storage itself, even in the proximity of dwellings, has been held not to be a nuisance per se. *Sowers* v. *McManus*, 214 Pa. 244; *Derry Coal & Coke Co.* v. *Kerbaugh*, 222 Pa. 448. The handling of such substances merely imposes a high standard of care commensurate with the dangerous nature of the agency to personal safety. The general rule to be deduced from all of the cases involving the use of dangerous substances and instrumentalities[9] has been summarized in *Fredericks* v. *Atlantic Refining Co.*, 282 Pa. 8, at page 13:

> "A higher degree of care is required in dealing with a dangerous agency than in the ordinary affairs of life or business, which involve little or no risk."

Another asserted instance of liability without fault for personal injuries is Workmens' Compensation. This liability is really contractual; if the employer does not contract he assumes a common law liability stripped of certain defenses. We held in *Rich Hill Coal Co. et al.* v. *Bashore*, (not yet reported, opinion filed March 27, 1939), in passing on the constitutionality of the Workmens' Compensation Acts of 1937 and 1938:

> "But in common law actions of tort, it is the 'law of the land' that liability cannot be imposed upon one who is without fault. To *legislate* a person presumptively guilty of either a crime or a tort is an attempted erosion of 'the substance of original justice'."

In *Faiola* v. *Calderone*, 275 Pa. 303, we merely held that the employment of a child, in violation of a positive statutory duty, constituted negligence per se. In all such statutory regulations the legislature has adopted a public policy for the prevention of injury, and if the employer does not obey these preventive directions his act of disobedience is his negligence. We have not held liability without fault in automobile cases, and in the statutes covering the operation of airplanes the legislature has rejected the absolute liability theory.

To summarize, therefore, the cases mentioned, it may be stated that the doctrine of liability without fault has little or no place in torts involving injuries to the person, and its extension from the law of trespass to land has rarely been looked upon favorably in this State. In all of the exceptional cases there is a common ground of either antecedent negligence, or the assumption of a known risk of harm to others by intentional conduct. There is no element of injustice in imposing liability under such circumstances. Against the few exceptional situations in which absolute liability may have been applied, stands the great weight of modern authority that no man should be held liable for an unintentional injury resulting from the performance of a lawful act without negligence or wilful misconduct.[10] Pennsylvania has expressly approved this trend of the law as expressed by Justice Holmes. See *Ebbert et al.* v. *Phila. Electric Co.*, 330 Pa. 257, 269. It must be an unusual case, therefore, and one amenable to no other solution as a matter of public policy, that would require this Court to extend the exceptional doctrine of liability without fault into a new field of commercial enterprise involving no recognizable probability of danger.

Considering the rule of supposedly absolute liability imposed in some jurisdictions on the publisher of a newspaper for his defamatory publications,—and this is the rule here chiefly relied on,—a close examination of the Pennsylvania law will show that our rule is not one of absolute liability, but rather, of a very strict standard of care to ascertain the truth of the published matter. *Clark* v. *North American Co.*, 203 Pa. 346; *Shelly* v. *Dampman*, 1 Pa. Superior Ct. 115.[11] The fact of defamatory publication is evidentiary of such lack of due care. The rule that a newspaper publisher is absolutely liable for defamation originated in the English case of *Thorley* v. *Lord Kerry*, 4 Taunt. 355 (1812), and was apparently adopted by the United States Supreme Court in *Peck* v. *Tribune Co.*, 214 U. S. 185.[12] It may have been inspired by the frequency of defamatory newspaper publications or, as stated by one author, by their tendency to publish sensational and scandalous matter. It might be justified by the difficulty in proving negligence, since the facts of publication are exclusively known to the publisher and his agents.

The newspaper analogy of absolute liability has been approved in four cases as applied to radio broadcasting.[13] This analogy to newspaper liability, either under the Pennsylvania rule as stated, or under the broader rule existing in some other states, would support liability in the cases referred to, on their facts. Nevertheless, the analogy itself has been properly subjected to criticism by almost every legal commentator.[14] The American Law Institute in its *Restatement of the Law of Torts* refused to adopt it. In Section 577[15] the general rule is stated:

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[5] See *Stokes* v. *Penna. R. R. Co.*, 214 Pa. 415, 419; *Gavigan* v. *Refining Co.*, 186 Pa. 604, 612; *Houck* v. *Pipe Line Co., Ltd.*, 153 Pa. 366, 374; *Ladner et al.* v. *Siegel et al.*, 296 Pa. 579, 585.

[6] See *Exner et ux.* v. *Sremon Power Const. Co.*, 54 Fed. (2d) 510, 514.

[7] *Andrews* v. *Smith et ux.*, 324 Pa. 455; *Sylvester* v. *Maag*, 155 Pa. 225; *Fink* v. *Miller*, 330 Pa. 195.

[8] See *McGowan* v. *Steele & Sons Co.*, 112 Pa. Superior Ct. 552. In *Boker* v. *Hogey et al.*, 177 Pa. 128, the court reversed the court below for charging the jury that recovery could be had regardless of negligence.

[9] See *Konchor* v. *Cebulor*, 333 Pa. 499; and *Fredericks* v. *Atlantic Refining Co.*, 282 Pa. 8 (as to gasoline); *MacDougoll* v. *Penna. Power & Light Co.*, 311 Pa. 387, and also *Fitzgerold* v. *Edison Elec. Co.*, 200 Pa. 540 (as to electricity): *Hortman* v. *Citizens Natural Gas Co.*, 210 Pa. 19 (as to natural gas); *Lindh* v. *Protective M. Service Co., Inc.*, 310 Pa. 1 (as to firearms).

[10] Justice Holmes has said (*The Common Law*, p. 108): "the law does in general, determine liability by blameworthiness." And, as stated by Professor Ames: (*Law & Morals*, 22 Harv. L. Rev. 97, 99): "The ethical standard of reasonable conduct has replaced the unmoral standard of acting at one's peril." (And see *Winfield, The Myth of Absolute Liability*, 42 L. Q. Rev. 37.

[11] In the *Clark* case it was said, at p. 351: "Even in reporting an occurrence proper for publication there may be such an absence of the required diligence and care to ascertain the truth as to make the report libelous. . . . The mode of presenting the case to the jury made it turn on the intent and ignored entirely the liability arising from negligent disregard of the injury that might be inflicted upon the plaintiff." At page 352, it was said: ". . . the jury should consider the whole article and determine from all the evidence, whether, not withstanding the difference of name, the description was such either intentionally or by want of due care and diligence in ascertaining the true facts, that there would be a natural and reasonable inference that the plaintiff was the person referred to." In the *Shelly* case, the court said at page 123: "Conceding the occasion to have supplied the basis of privilege, the measure of diligence and care here shown to ascertain the truth of the statement published, is, in our opinion, entirely insufficient. It is not suggested in the point that there was any necessity or reason for such haste in publishing the defamatory matter as precluded inquiry, in the usual way, which would have revealed the utter falsity of the charge."

[12] In these and the following cases it was held that a newspaper publisher is liable for an unintentional defamation and cannot plead that he could not reasonably have known its libelous nature. See *E. Hulton & Co.* v. *Jones*, L. R. (1910) 35 App. Cas. 20, (1909) 2 K. B. 444 (Engl.); *Morrison* v. *Ritchie & Co.*, (1902) 39 Scottish L. Rep. 432; *Oklahoma Pub. Co.* v. *Givens*, 67 Fed. (2d) 62; *Taylor* v. *Hearst*, 107 Calif. 262, 40 Pac. 392; *Wolker* v. *Bee-News Pub. Co.*, 122 Neb. 511, 240 N. W. 579.

[13] It will be noted the facts in all cases differ materially from those in the instant case. In *Sorenson* v. *Wood*, 123 Neb. 348, 243 N. W. 82, the defamatory remarks were made by a political speaker to whom it had extended its facilities. The speaker used a prepared script that had not been previously submitted to the broadcasting company, though it could have obtained the script had it so desired. No effort was made to stop the transmission although the length of the remarks would have enabled the company to have done so.

> "Publication of defamatory matter is its communication intentionally or by a negligent act to one other than the person defamed."

To this is appended, in Comment (g), the following caveat:

> "The Institute expresses no opinion as to whether the proprietors of a radio broadcasting station are relieved from liability for a defamatory broadcast by a person not in their employ if they could not have prevented the publication by the exercise of reasonable care, or whether, as an original publisher, they are liable irrespective of the precautions taken to prevent the defamatory publication."

This caveat was adopted after full discussion, on the ground that the decided radio cases were insufficient in number to require the acceptance of an analogy presenting such serious practical and legal difficulties.[16]

Moreover, the facts of this case must be kept in mind, as they differ greatly from the facts in the cases noted. The speaker here was an employe of a third party to whom the broadcasting company had leased its facilities. He was not under the broadcasting company's control, authority or command. The script used was examined and rehearsed exactly as written. It contained nothing offensive, and appellant, in renting its facilities, had no reason to believe anyone would utter a defamatory statement. There was no power or means possessed by the broadcasting company that enabled it to prevent the transmission of the defamatory remark. It was physically impossible for the monitor or program director to have intervened, as the performer, without notice, interjected his terse defamatory remark so quickly that no one in appellant's employ was able to prevent its transmission.

In these circumstances the analogy between the radio broadcaster and the newspaper publisher is demonstrably weak, considering not only the practical differences between the two media of communication but the different conditions under which the industries operate. Newspaper matter is prepared in advance, reviewed by members of the various staffs, set into type, printed, proof read and then "run off" by employees of the publisher; at all times opportunity is afforded the owner to prevent the publication of the defamatory statement up to the time of the delivery of the paper to the news-vendor. The defamation thus may be said to be an intentional publication, or at least one published without due care.

Similarly, the broadcaster may, as it did here, require the submission of the script in advance for editing; it may require rehearsals and its production director may prevent the transmission of doubtful matter. But where the circumstances, like those now presented are such that the defamation occurs beyond the control of the broadcaster, it is perfectly clear that the analogy between newspapers and broadcasting companies collapses completely. The superior control of the newspaper publisher is self-evident.

Other analogies have been suggested which, when first mentioned, may be thought of assistance, but when analyzed possess inherent weaknesses. In communications by telegraph the rule of due care has been invoked. We know of no case where a telephone company has been held for defamation for the use of its lines, but its duty should rise no higher than that of a telegraph company. Both activities are public utilities, and cannot select the users of their facilities.[17] Radio companies are not in that category. They may select their performers and choose between applicants for the use of their facilities,[18] which are designed, not for private communications from one individual to another, but for those to the public generally.

It has been suggested that the dissemination of matter by radio may be likened to dissemination by news-vendors and booksellers, who merely republish original utterances. The rule of absolute liability does not apply to such vendors.[19] While this is possibly a close analogy, and has the support of eminent legal writers, its weakness is in the fact that the sound which is transmitted to radio listeners is carred directly by the facilities of the broadcaster, though the activating impulse may have been the spoken word at the microphone. It is a trifle more than the mere delivery of a newspaper to the purchaser. It has been held that it is the reproduction of the spoken word from the broadcasting room. *Buck* v. *Jewell-LaSalle Realty Co.*, 283 U. S. 191, 199-201. The combination of the voice and the transmitting apparatus is necessary to effect the broadcast. The speaking and publication of a defamation are simultaneous.

The closest analogy suggested[20] is the loud-speaking device installed in public halls, owned, maintained and operated, very much like the radio, by the owner of the premises. The halls are rented for public addresses, and may be equipped with outside amplifiers or loud-speakers, increasing the size of the audience. The only practical difference here is in the number of persons who hear the remarks. If the newspaper analogy is to be carried to its logical conclusion, the owners of the loud-speaking devices should be liable for the defamatory utterances of those leasing or using these devices.

The real difficulty arises from attempting to adapt to the new tort of radio defamation, rules of liability applicable in other fields of kindred, but not identical, types of wrong. Defamation in the law, until the radio appeared, was either libel or slander. Now, it is urged by some that the law of libel should be extended to defamation by radio because of the number of persons that hear it,[21] others indicate that it should be treated as slander.[22]

That part of the Roman law of defamation taken into the English law of libel was applicable to more serious cases. The strict rules of libel were originally directed at the printing press, which provided a wider means of publication. The differences between libel and slander, and the comparative ease of recovery in libel as against the more restricted and less stringent liability in slander, are well known. Some authors dispute these formal distinctions, asserting there is no sound reason to support them.[23] Among the factors to be considered in reaching a rule of liability for defamation is the extent of the publication; but that is not the only, or the main reason for the distinction between libel and slander. The more serious consideration is the permanence of the printed libel, and its capacity for continuous future harm over a wide area. Slander, or the spoken word, is not bound to any set form; it is easily fabricated and made to appear much worse than actually spoken; it offers opportunity for fraudulent and fictitious

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The principal defense was privilege under the Federal Statute which prohibits the censoring of political addresses. The case was submitted on the issue of negligence resulting in a verdict for the defendant. This was reversed, the court holding the defendant liable by analogy to a newspaper publication. This was not a case of "ad libbing" nor of "leasing". In *Miles* v. *Louis Wasmer, Inc.*, 172 Wash. 466, 20 P. (2d) 847, the speaker was an announcer employed by the radio station. The defamatory words derogatory to plaintiff were from a prepared script which the company could have edited itself. Under the authority of the *Sorenson* case, liability was upheld. In *Coffey* v. *Midland Broadcasting Co.*, 8 F. Supp. 889, the transmitting company was in New York and one of its chain members in Kansas City was sued for defamatory remarks made in New York and transmitted to its station by telephone. Time and facilities were leased to a commercial advertiser and the speaker was an employe of the advertiser. The defamatory remarks apparently were part of a prepared and rehearsed program appearing in the script submitted to and passed on by the broadcasting company in New York. The court in remanding the case recognized that the *Sorenson* and *Miles* cases could have been decided on the basis of negligence but held that in this particular case the facts were broader. Another case, *Irwin* v. *Ashurst*, 158 Ore. 61, 74 P. (2d) 1127, held that defamation in the broadcast of proceedings at a trial was privileged, but only if the report was true and accurate.

[14] See *Bohlen, Fifty Years of Torts,* (1937) 50 Harv. L. Rev. 725, 729-731; *Haley, Law on Radio Programs,* 5 George Washington L. Rev. 157, at p. 187; *Keller, Federal Control of Defamation by Radio,* 12 Notre Dame Lawyer 15, pages 153-162; *Guider, Liability for Defamation in Political Broadcasts.* 2 Journal Radio L. 708. at p. 713; *Nash, Application of the Law of Libel and Slander to Radio Broadcasting,* 17 Ore. L. Rev. 307, at p. 309; *Thornton, Liability of Radio Re-Broadcaster,* 14 Ore. L. Rev. 492; *Sprague, Freedom of the Air,* 8 Air. L. Rev. 30; *Frank, Defamation by Radio,* 8 So. Calif. L. Rev. 389; *Farnum, Radio Defamation and the A. L. I.,* 16 B. U. L. Rev. 1; *Huston, Liability of Broadcasting Company,* 12 Ore. L. Rev. 149; *Socolow, Law of Radio Broadcasting* (1939) Volume 2, page 858; *Davis, Law of Radio Communication* (1927) pages 163-164; *Report of Standing Committee on Communications,* 57 A. B. A. Rep. (1932) 423, 445-446.

[15] *Restatement of the Law of Torts,* Vol. 3, page 192.

[16] *12 Proceedings, American Law Institute,* pp. 355 et seq; *14 Proceedings, American Law Institute,* 73 et seq.

[17] See *Nash, Application of the Law of Libel and Slander to Radio Broadcasting,* 17 Ore. L. Rev. 307, at page 312.

[18] *Sta-Shine Products Co., Inc.,* v. *Station WGBB,* 188 I. C. C. Rep. 271.

[19] See *Bohlen, Fifty Years of Torts.* 50 Harv. L. Rev. 725. 731; *Nash, Application of the Law of Libel and Slander to Radio Broadcasting,* 17 Ore. L. Rev. 307, at page 311; *Restatement of Torts,* Vol. III, Sec. 581, comment (f).

[20] *Bohlen, Fifty Years of Torts,* 50 Harv. L. Rev. 725, 731.

[21] See *Sorenson* v. *Wood,* 123 Neb. 348. 243 N. W. 82.

[22] See *Meldrum* v. *Australian Broadcasting Co.,* (1932) Victoria L. R. 425 (Australia). In *Locke* v. *Gibbons,* 164 Misc. 877, 299 N. Y. S. 188, it was held that the defamation was slanderous if made extemporaneously by the speaker. See *Davis, Law of Radio,* (1927), pp. 158-159. In *Miles* v. *Louis Wasmer, Inc.,* 172 Wash. 466, 20 P. (2d) 847; *Singler* v. *Journal Company,* 218 Wis. 263, 260 N. W. 431, and *Locke* v. *Benton & Bales.* 253 App. Div. 367. 2 N. Y. S. (2d) 150, the courts recognized the difficulty of classifying radio defamation as either libel or slander, but held that it was immaterial.

[23] *Veeder, The History and Theory of the Law of Defamation,* (1903) 3 Col. L. R. 546. 571. 3 *Selected Essays of Anglo-American Legal History,* 446; *Restatement of Torts,* Sec. 568, Historical Note; 2 *Socolow, Law of Radio Broadcasting* (1939) 851-852.

claims; it is usually uttered in the presence of a few. The law has, therefore, encased it in most rigid rules.

When the radio sound reaches the human ear it is the spoken word. It is urged that the radio gives to it a power for harm even greater than the printing press gives to the printed word, but this conclusion does not consider the factor of permanency just mentioned, or the traditional belief in the veracity of the printed word, particularly important in the community where the injured person resides. Newspaper defamations possess possibilities for real harm far greater than defamations by radio, as they constitute permanent, continuing records, which, through circulation, are constantly republished. The radio word is quickly spoken and, generally, as quickly forgotten. Because of the differences in power of the stations from which it is sent, it may receive widely varying circulation.

The radio is, admittedly, a powerful agency for advertising and the conveyance of important public matters, as well as the promotion of religion and politics. It also affords its listeners a measure of entertainment, and brings to them the reports of many occurrences more quickly than the newspaper could possibly do. It does, to a certain extent, compete with the newspaper. But these factors, standing alone, should not be sufficient to cast upon the radio the cloak of liability without fault for defamatory publications, as libels, by extension of the law applicable in some States to newspapers. The *Restatement* has taken the position that when the words broadcast are read from script it is libel, but has expressed no specific conclusion as to extemporaneous remarks.[24] As suggested in *Irwin* v. *Ashurst,* 158 Ore. 61, 65; 74 P. (2d) 1127, 1129, the distinctions of libel and slander seem inapplicable to the law of radio. We did not pass on the question in *Weglein* v. *Golder,* 317 Pa. 437.

Radio broadcasting presents a new problem, so new that it may be said to be still in a state of development and experimentation. It was not conceived nor dreamed of when the law of libel and slander was being formulated. Publication by radio has physical aspects entirely different from those attending the publication of a libel or a slander as the law understands them. The danger of attempting to apply the fixed principles of law governing either libel or slander to this new medium of communication is obvious. But the law is not so firmly and rigidly cast that it is incapable of meeting a new wrong as the demands of progress and change require. In this State our tort actions are in trespass; the pleader need not lay his cause either in slander or in libel, and, as defamation by radio possesses many attributes of both libel and slander, but differs from each, it might be regarded as a distinct form of action. Certainly, there is no necessity of extending to this situation a so-called rule of absolute liability without fault, particularly when our law of libel merely creates a high standard of care. A rule should be applied which will not impose too heavy a burden on the industry, and yet will secure a high measure of protection to the public or those who may be injured.

That a rule of this nature should be adopted becomes increasingly apparent when it is considered that in the field of its operation radio broadcasting is subjected to many restrictions which are not imposed upon newspapers. Any person, firm, or corporation may publish a newspaper without asking the government's consent. Newspapers are the freest medium of communication in this country today. They are protected by the Constitution, by statutes, and by the liberal decisions of many courts. They determine their own policies, print as they desire, unrestricted and unlimited, except by criminal statutes for libel and by the possibility of civil action. The rule of civil liability for libel applicable to them is just and fair, considering the opportunities of correction or control.

On the other hand, a broadcasting company cannot operate without a license from the Federal Government, which must be renewed from time to time. No license may be granted unless the licensee serves the public interest. Radio is a governmentally-regulated industry. The number of stations, their locations and wave-lengths, the hours in which they may broadcast, and their transmitting power, are all subject to regulation. In this manner their effective range of communication and the number of their listeners may be controlled. The power of Congress in this respect, has been upheld as essential. *Radio Comm'n* v. *Nelson Bros. Co.,* 289 U. S. 266. Under the Act of June 19, 1934, c. 652, Section 303, 48 Stat. at L. 1082, as amended May 20, 1937, c. 229, Sections 5, 6(a), 50 Stat. at L. 190, 191, 47 U. S. C. A. Section 303, the Federal Radio Communications Commission is given broad powers to formulate rules for the conduct of radio stations; severe penalities are imposed for violations. *A broadcasting company that oversteps these rules may have its license revoked and lose the value of its entire plant;* this, in the realm of radio, is capital punishment. And, the publication by a broadcasting station of defamatory matter, as also the transmission of certain forms of false and fraudulent advertising, may, if persisted in, result in the revocation of the license of the station or its deletion. But, even here:

> "It seems inherently unreasonable to suppose that a station should be deleted by the Commission for the dissemination of defamation without knowledge or fault of the licensee."[25]

Again, if the broadcaster is to be adjudged liable without fault for a defamatory remark and if the defamation is to be regarded as a libel, he might also become guilty of criminal libel, though, as in the circumstances before us, he is as innocent of wrong as one could possibly be.

All of these considerations cause the newspaper analogy to utterly fail, and no consideration of public policy could in any sense cause a broadcaster to be punished by a rule of absolute liability such as that invoked by the court below. If, as has been suggested, the imposition of such liability on newspapers was originally desirable as a matter of public policy because of the frequency of defamatory publications, and because no other means of discouraging the practice was available, these reasons do not exist in the case of radio broadcasting. Radio defamations have been infrequent, and governmental regulation affords a potent check.

It has been stated that the public "will be best served by a rule which will release a broadcasting station from liability for defamatory remarks made by others, wherever it appears that the management of the station exercised due and reasonable care to avoid the utterance of the defamation."[26] To inflict the rule of absolute liability would serve no useful purpose. It would not only place an unreasonably heavy burden upon the industry, but would open the door to frauds and perjuries as gross as could be practiced in actions of slander, and which could never be practiced successfully against a newspaper publication for libel. In situations like the present case, for instance, the broadcasting company might just as easily be the victim of a conspiracy to defame, participated in by the hotel and the speaker. Such conspiracies to defame might wreck the strongest broadcasting company and might become a widespread evil. Here lies the strength of the newspaper, for its printed word cannot be distorted or fabricated.

It is urged that appellant should have taken some steps to correct the remark before the program closed; that, not having done so it in effect adopted the remark. From the evidence the directors of both appellant and lessee endeavored to have the statement corrected and were partially successful. However, if appellant was liable when the remark was made, the explanation would have been merely in mitigation of damages. The converse is true. Not being liable nor responsible for the utterance when made, the lack of a full explanation or apology would not make appellant liable. Here again the facts must be considered. Any explanation or apology would not only tend to emphasize the defamation, but there would arise the question of its adequacy; the fact that it was omitted would not, of itself, impose liability, under the circumstances before us, against the lessor whose facilities were leased to a responsible agency for the broadcast of a nondefamatory commercial program, without the slightest intimation that they would be abused.

It is suggested that absolute liability should be imposed because appellant could protect itself therefrom by an indemnifying bond. This is the weakest of all arguments, and begs the question. It is indeed a new theory that a substantive rule of law should be based upon the possibilities of an indemnifying bond to save an innocent person from loss. If an indemnifying bond is to be the basis of judgment, then in all actions for personal injury it would be well to establish a general rule of absolute liability, requiring the party to be held liable without fault to take out a bond. It is inconceivable that any bonding company would place at a reasonable figure a bond to indemnify a broadcaster against absolute liability, and against the revocation of its license by the Federal authorities, as a result of an act which it did not perform, inspire, nor control.

In considering the basis of liability for defamation by radio and in balancing the conflicting interests, due regard must be had to the rights of all parties, and to the ultimate and collateral effects any pronouncement might have on public interests. A rule unalterably imposing liability without fault on the broadcasting company under any circumstances is manifestly unjust, unfair and contrary to every principle of morals. A fair aspect of the harm to the persons injured must be considered as well as the circumstances under which the incident occurred. An essential consideration in formulating a rule is the grave possibility of pyramiding damages as well as establishing criminal responsibility if defamatory broadcasting is treated as libel.

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[24] *Restatement of Torts,* Vol. III, sec. 568, comments (d) and (f).

[25] *Haley, Law of Radio Programs,* 5 George Wash. L. Rev. 157, at pages 188-189.

[26] *Guider, Liability for Defamation in Political Broadcasts,* 2 Journal Radio Law, 708, at 712-713.

We therefore conclude that a broadcasting company that leases its time and facilities to another, whose agents carry on the program, is not liable for an interjected defamatory remark where it appears that it exercised due care in the selection of the lessee, and, having inspected and edited the script, had no reason to believe an extemporaneous defamatory remark would be made. Where the broadcasting station's employe or agent makes the defamatory remark, it is liable, unless the remarks are privileged and there is no malice.

We have assumed in our entire discussion that the remarks here made were actionable per se,[27] and that if the station were liable therefor it would not be necessary to prove malice or special damages. Regardless of these considerations, since it is conceded that there was no possible way in which appellant could have anticipated or prevented the remark, appellee has no cause of action against the broadcasting company.

Judgment reversed and here entered for appellant.

Networks Adopt Arrangement For War Broadcasts

Neville Miller made public on Monday an arrangement voluntarily reached by the Columbia Broadcasting System, Mutual Broadcasting System and National Broadcasting Company last Thursday in New York, for the conduct of their broadcasting during the present emergency. Chairman James Lawrence Fly of the FCC and his Committee, Commissioners Thad H. Brown and Commander T. A. M. Craven, were informed today of this voluntary arrangement at an informal meeting with Neville Miller, President of the National Association of Broadcasters, Niles Trammell, Executive Vice-President of the National Broadcasting Company, Alfred J. McCosker, Chairman of the Board of the Mutual Broadcasting System, and Edward Klauber, Executive Vice-President of the Columbia Broadcasting System.

Mr. Miller explained that the arrangement had not been made public hitherto because it was felt that as a matter of courtesy the new Chairman of the FCC and his Committee associates should be informally made aware of it first.

Mr. Miller expressed satisfaction that the major networks of the country had been able to find ways to apply the experience they have gained in broadcasting many critical events through the years to the war crisis without eliminating that competition which all concerned felt to be so essential to good public service.

The text of the arrangement:

MEMORANDUM OF EUROPEAN WAR COVERAGE

General

Every effort consistent with the news itself is to be made to avoid horror, suspense and undue excitement. Particular effort will be made to avoid suspense in cases where the information causing the suspense is of no particular use to the listener. For example, news of air raid alarms should not be broadcast until we actually learn whether or not there has been an air raid. Also, we will avoid descriptions of hypothetical horrors which have not actually occurred, such as discussing the things that might go on if another ship were to be torpedoed. In all broadcasts about the plight of refugees, the number of killed and wounded, and so on, we will use our best news judgment and try to avoid undue shock to the radio audience, without taking upon ourselves an unjustifiable responsibility for concealing how bad the war really is.

Broadcasters will make every effort to be temperate, responsible, and mature in selecting the manner in which they make the facts of war and its attendant circumstances known to the audience.

Broadcasters will, at all times, try to distinguish between fact, official statement, news obtained from responsible official or unofficial sources, rumor, and matter taken from or contained in the foreign press or other publications, so that, by reporting and identifying these sources, we can help the radio audience as much as possible to evaluate the news brought to it.

The radio audience should be clearly informed that the news from many sources, whether it be press bulletins or direct broadcasts, is censored and must be appraised in the light of this censorship.

Broadcasts from Europe

Broadcasters will designate, if they choose, broadcasts of news and news analysis, either or both, from Europe at such intervals as they individually deem to be desirable. It is advisable that these broadcasts be by Americans as far as possible, and that each individual broadcaster instruct the persons he employs, either permanently or temporarily, in the general principles set forth here. Insofar as European broadcasts contain news analysis, they are to conform to the definition of news analysis hereinafter set forth.

Speeches by foreigners from abroad, public proclamations and statements, and like matter are to be handled by each individual broadcaster in such manner as he deems best to serve his audience, but it is essential that fairness to all belligerents be maintained and that this phase of the operations be carried out in such a way that the American audience shall be as completely and fairly informed as possible.

Broadcasters recognize that, if they do not handle the war with complete responsibility toward the American people, and if they deviate from these principles, they run the risk of involving all other broadcasters in the consequences of their acts. The operation of these principles should include at all times a strong responsibility toward the industry as a whole.

Remotes

If broadcasts become available from scenes of battle, bombed areas, air-raid shelters, refugee camps and so on, broadcasters will not deprive the audience of the ability of radio to give them first-hand information, but will use taste and judgment to prevent such broadcasts from being unduly harrowing.

Propaganda from Europe

If broadcasters put on propaganda disseminated by radio stations or the press of European countries or distributed by these countries in any other manner, each will be guided by his own news judgment and endeavor to label precisely the source of the material, and to do this sufficiently often so that no reasonably careful listener is likely to be misled, and he will also be governed by the same rules of fairness in presenting all sides, though not necessarily in the same broadcast, nor need this judgment be a quantitative one. In this connection, it is recognized that there are certain hazards in bringing these broadcasts direct to this country and extreme care will be exercised in so doing.

Domestic News

All the foregoing general principles will of course apply to domestic broadcasts on any phase of the war. All news broadcasts, whether sponsored or unsponsored, are to remain in the strictest control of the broadcaster in order that the standards herein set forth may be maintained. News analysts are at all times to be confined strictly to explaining and evaluating such fact, rumor, propaganda, and so on, as are available. No news analyst or news broadcaster of any kind is to be allowed to express personal editorial judgment or to select or omit news with the purpose of creating any given effect, and no news analyst or other news broadcaster is to be allowed to say anything in an effort to influence action or opinion of others one way or the other. Nothing in this is intended to forbid any news broadcaster from attempting to evaluate the news as it develops, provided he substantiates his evaluation with facts and attendant circumstances. His basis for evaluation should, of course, be impersonal sincere and honest.

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[27] Appellant disputes this strenuously, and with much merit.

In order not to keep the public unduly disturbed and alarmed, each broadcaster, exercising his own news judgment, will endeavor to interrupt programs for news bulletins as little as seems consistent with good operations.

Commercial Programs

No propaganda in connection with the war will be allowed in either the commercial announcements or the context of commercial programs. Nothing in this shall be interpreted as barring straight news or news analysis, as herein have been described, from commercial programs.

Speeches

The safeguards of fairness and program balance now applied in the handling of speeches on controversial issues will continue to be applied and, in order to make this effective, every effort will be made to obtain the text of speeches before they are scheduled.

After the meeting, the FCC issued a statement which said, in part:

"At this meeting the representatives of the industry submitted statements of policies and practices of their respective companies in regard to war coverage. They also submitted the "Memorandum of European War Coverage" adopted by a committee of the National Association of Broadcasters at a meeting in New York on September 7, 1939. Cooperative consideration was given to a number of problems which have arisen, but no final conclusions were arrived at.

"Chairman Fly expressed the thought that the radio industry, taken by and large, had rendered an important public service in broadcasting news and comment on war conditions. He said that all parties will continue to give consideration to the most effective means of assuring that broadcasting operaitons in this period of stress will promote the public interest."

FCC STARTS WAR BROADCAST PROCEEDINGS AGAINST WMCA

The FCC on Tuesday issued an order to WMCA, New York, to show cause why its license should not be revoked. The order said the Commission "has information in its possession tending to establish that" the station "caused the interception of secret radio communications sent by the governments of Germany and Gt. Britain" and "caused the said messages to be decoded and broadcast over the facilities of Station WMCA" in violation of the Federal Communications Act.

The text of the order:

Whereas, the Government of the United States has agreed with certain other governments, including Germany and Great Britain, to take all the measures possible, compatible with the system of telecommunications used, with a view to insuring the secrecy of international correspondence; and

Whereas, in order to insure the secrecy of international radio communications, the United States Government has agreed with other governments, including Germany and Great Britain, to take the necessary measures to prohibit and prevent (a) the unauthorized interception of radio communications not intended for the general use of the public; and (b) the divulging of the contents or of the mere existence, the publication or any use whatever, without authorization, of such radio communications; and

Whereas, Section 605 of the Communications Act of 1934 provides that no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect or meaning of such intercepted communication to any person, and further provides that no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and

Whereas, the Federal Communications Commission has been directed by Congress to execute and enforce the provisions of the Communications Act of 1934, as amended; and

Whereas, the Federal Communications Commission has information in its possession tending to establish that the Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York, caused the interception of secret radio communications sent by the governments of Germany and Great Britain, respectively, containing orders to the naval or military forces of said governments to govern the movement of said forces in time of war, and thereafter caused the said messages to be decoded and broadcast over the facilities of Station WMCA, all without authority of the respective senders of said communications; and

Whereas, during the period of tense international relations the public interest, convenience and necessity required strict observance by licensees of radiobroadcast stations in this country of all provisions of international undertakings and federal legislation relating to the secrecy of international communications;

Now, Therefore, It Is Ordered That the Knickerbocker Broadcasting Company, Inc., at or before 11:00 a. m., September 15, 1939, file a written statement under oath in the office of the Secretary of the Commission, Washington, D. C., which shall set forth all facts and circumstances pertaining to said alleged interception and broadcasting and shall show cause why the Federal Communications Commission should not, pursuant to Section 312 (a) of the Communications Act of 1934, as amended, revoke the license for said Station WMCA for violation of and failure to observe the provisions of the Communications Act of 1934, as amended, constituting conduct by said licensee contrary to the public interest.

WMCA ANSWERS COMMISSION

WMCA, in an answer filed with the Commission on Thursday, stated that it had neither directly nor indirectly intercepted any secret radio communications sent by the governments of Germany and Great Britain. The answer was sworn to by William Weisman, vice president of the Knickerbocker Broadcasting Company, licensee of WMCA. The complete answer is as follows:

William Weisman, being duly sworn, deposes and says:

1. I am Vice-President of Knickerbocker Broadcasting Company, Inc. (WMCA), and make this affidavit in answer to the Order to Show Cause made in the above-entitled proceeding on September 12, 1939.

2. Knickerbocker Broadcasting Company, Inc. (WMCA) neither directly nor indirectly intercepted or caused the interception of secret radio communications sent by the governments of Germany and Great Britain, respectively, or any other government, containing orders to the naval or military forces of any said governments to govern the movement of said forces in time of war. Neither has Knickerbocker Broadcasting Company, Inc. (WMCA) at any time, under any circumstances, intercepted any code messages of any government in time of war or any other times.

3. In the course of its daily broadcasting schedule, Knickerbocker Broadcasting Company, Inc. (WMCA) has broadcast news dispatches, including those emanating from the governments of Germany and of Great Britain. However, Knickerbocker Broadcasting Company, Inc. (WMCA) has no news-gathering bureau of its own and relies entirely for its sources upon accredited news-gathering agencies.

A. In connection therewith, Knickerbocker Broadcasting Compan, Inc. (WMCA) has a written contract with King Features Syndicate, Inc. (International News Service Department). A photostatic copy of said contract is hereto annexed, marked "Exhibit A," and made a part hereof. By virtue of said agreement there is installed in the offices of Knickerbocker Broadcasting Company, Inc. (WMCA) a news ticker to which is transmitted the regular news service of King Features Syndicate, Inc. (International News Service Department). Knickerbocker Broadcasting Company, Inc (WMCA) edits the said news reports and prepares the same for broadcasting.

B. Because of the unusual situation in Europe during the past few weeks, and of the great interest of the American people in every phase of news emanating from Europe, Knickerbocker Broadcasting Company, Inc. (WMCA) entered into an agreement with the New York Herald Tribune, by the terms of which the New York Herald Tribune has furnished Knickerbocker Broadcasting Company, Inc. (WMCA), for broadcasting purposes, special news flashes which it has received from tis own direct sources and correspondents in Europe. Copies of the letters constituting such agreement are annexed hereto, marked "Exhibit B-1," "Exhibit B-2" and "Exhibit B-3," and made a part hereof. See also photostatic copy of bill rendered by New York Herald Tribune, annexed hereto, marked "Exhibit C," and made a part hereof.

C. By virtue of an oral arrangement with the New York Daily Mirror there is broadcast over the facilities of Station WMCA, once each day for 15 minutes, a news program emanating directly from the editorial rooms of the said New York Daily Mirror. These broadcasts have always consisted of news items which had already appeared in that publication.

4. I state upon my oath that Knickerbocker Bboadcasting Company, Inc. (WMCA) has not had, nor has it now, any knowledge of any secret or other code used by the governments of Germany or of Great Britain, or of any of the departments of either of said governments.

5. By this affidavit I swear that Knickerbocker Broadcasting Company, Inc. (WMCA) has not broadcast any news item or other information which it obtained illegally or which Knickerbocker Broadcasting Company, Inc (WMCA) had any reason to believe was obtained illegally by any other person, firm or corporation. In fact, all of the news items which were broadcast by Knickerbocker Broadcasting Company, Inc. (WMCA) have appeared in the daily newspapers in the regular course of publication.

6. I am aware of the advertisement which appeared in the Radio Daily of September 6, 1939, in which is reproduced excerpts from columns published in New York City newspapers, and in which it is stated that WMCA had decoded secret orders of the governments of Germany and Great Britain. Knickerbocker Broadcasting Company, Inc. (WMCA) does not control, directly or indirectly, in any manner, either the said publications or any of the writers of the said columns. Knickerbocker Broadcasting Company, Inc. (WMCA) used the said items in the advertisement only as an indication of the fact that WMCA did broadcast the news items in advance of other radio stations or in advance of their publication in the daily newspapers in New York City, but not for the purpose of advertising that WMCA had in fact intercepted or decoded any of the secret orders of Germany, Great Britain or any other government.

7. I wish to make entirely clear that neither Knickerbocker Broadcasting Company, Inc. nor any of its officers, directors or employees have, directly or indirectly, violated any of the provisions of the Communications Act of 1934 as amended, or any parts thereof, especially those specified in the said Order to Show Cause.

FCC REVISES LOG RULES

The Federal Communications Commission September 12 amended Section 3.90 (a) (2) of the Standard Broadcast Rules by deleting the words "together with the name or title of each" and adding the words "of the complete program" so that the rule will read:

"... (2) An entry briefly describing each program broadcast, such as 'music', 'drama', 'speech', etc., together with the name or title thereof, and the sponsor's name with the time of the beginning and ending of the complete program. If a mechanical record is used the entry shall show the exact nature thereof such as 'record', 'transcription', etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered."

The Commission's action was taken following complaint that the previous rule requiring a log entry of the names of the particular records used imposes a financial burden, particularly on local stations. The Commission also stated that a further study would be made of the rules governing log entries to insure that they impose no unnecessary burden on any particular group of stations.

798 STATIONS

During the month of August, the Federal Communications Commission dropped one station and issued operating licenses to two stations. The Commission granted five permits for the construction of new stations. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sept. 1
Oper't'g stations	722	727	729	732	734	735	735	738	739
C'struct'n permits	42	39	37	37	38	38	43	56	59
Total	764	766	766	769	772	773	778	794	798

DISTRICT 15

Copyright, record licenses and the A. F. of M. were the principal topics of discussion at a District 15 meeting on September 6 in San Francisco. President Howard Lane presided. The following members attended:

Will Thompson, Jr., KROY, Sacramento; William D. Pabst, KFRC, San Francisco; Chas. P. Scott, KTKC, Visalia; Ed Franklin, KJBS, San Francisco; Marion S. Walker, KHUB, Watsonville; Howard C. Walters, KDON, Monterey; Will Gunzendorfer, KSRO, Santa Rosa; Preston D. Allen, KLX, Oakland; Wm. C. Grove, KSAN, San Francisco; S. H. Patterson, KSAN, San Francisco; H. P. Drey (formerly KROW), Oakland; E. L. Finley, KSRO, Santa Rosa; Gurden Moosey, KYA, San Francisco; W. H. Bates, Jr., KTRB, Modesto; S. W. Warner, KLS, Oakland; Philip G. Lasky, KSFO-KROW, San Francisco; Ralph R. Brunton, KQW, San Jose; Art Westlund, KRE, Berkeley; Howard Lane, KFBK, Sacramento; Chas. Whitmore, KTKC, Visalia; Lloyd Yoder, KPO-KGO, San Francisco, and Lou Kiplinger, KARM, Fresno.

FEDERAL COMMUNICATIONS COMMISSION

PROPOSED FINDINGS OF FACT

The Federal Communications Commission has announced its Proposed Finding of Fact proposing to grant the application of Station KOY, **Phoenix, Arizona,** to change its frequency from **1390** to **550 kilocycles.** The station operates with 1000 watts.

The Commission stated in its Proposed Finding that the granting of this application would improve the signal strength of the station in the areas now served and "extend its service to a substantially larger area and greater population than that now served by the station."

Application of the Bureau of Education (A. Corenson, owner and manager), **Montebello (Los Angeles), California,** for a construction permit for a new station to operate on **1420 kilocycles,** 100 watts, daytime hours of operation is proposed to be denied by the Commission in a Proposed Finding of Fact.

In the Proposed Finding, the Commission stated that the facts of record do not afford a sufficient basis for a finding "that the applicant is a proper person to be entrusted with the responsibility of operating a broadcast station in the interests of the public, or that the applicant possesses all the requisite qualifications of a licensee."

The Commission in another Proposed Finding of Fact proposes to deny the application of Lawrence J. Heller for a construction permit to establish a new station in **Washington, D. C.,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time, and an application for a special experimental authorization to construct and operate a synchronous station in Washington, to be used in conjunction with the facilities requested for a broadcast station with 10 to 100 watts power, unlimited time.

The Commission in a Proposed Finding of Fact proposes to deny the application of the Chicago Federation of Labor of **Chicago, Illinois,** for renewal of license for international broadcast station W9XAA; and to dismiss without prejudice to the filing of a new application for a new international station, the application of Radio Service Corporation of Utah for consent to voluntarily assign the license of Station W9XAA from the Chicago Federation of Labor to the Radio Service Corporation of Utah, and move the station's location from **York Township, Illinois,** to **Saltair, Utah.**

In its Proposed Finding, the Commission stated that the licensee of W9XAA "failed to establish that it was engaged in a program of research and experimentation contemplated by the Commission's rules governing broadcast stations in the international service, in effect during the period in which the license for this station was outstanding."

DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Station WLAW, **Lawrence, Massachusetts,** for a construction permit to increase its operating assignment from sunset at Lawrence to sunset at San Francisco and install a directional antenna for nighttime use. The station now operates on **680 kilocycles,** 1000 watts, daytime only.

The Commission found that the operation of the station as proposed would not provide primary service for the Lawrence metropolitan area during nighttime hours because of objectionable interference from Station WPTF. Chairman Fly did not participate in this decision.

The application of WNEL, **Juan Piza, San Juan, Puerto Rico,** for license renewal has been granted by the Commission.

The Commission in a Final Order has granted the application of the Catawba Valley Broadcasting Company for the erection of a new station at **Hickory, North Carolina,** to use **1370 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

The application of WCOV, **Montgomery, Alabama,** for modification of its license authorizing unlimited time on **1210 kilocycles,** instead of daytime hours only, using 100 watts power, was granted by the Commission.

In a Final Order, the Commission has granted the application of the Southern Oregon Broadcasting Company to erect a new station at **Grants Pass, Oregon,** to use **1310 kilocycles,** 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, September 19. They are subject to change.

Tuesday, September 19

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

Thursday, September 21

Oral Argument Before the Commission

Report No. B-40:

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., **880 kc.,** 1 KW, unlimited time (DA day and night). Present assignment: **1310 kc.,** 250 watts, daytime.

Report No. B-54:

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Report No. B-66:

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as "Brown County Broadcasting Co.," Brownwood, Tex.—C. P., **990 kc.,** 1 KW, daytime.

Friday, September 22

Further Hearing

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., **1200 kc.,** 100 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

October 9

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass. (main and auxiliary).—Renewal of license, **1410 kc.**, 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

NEW—Harold Thomas, Bridgeport, Conn.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

October 17

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

November 2

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., **620 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATION GRANTED

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted voluntary assignment of license of station WMFO from James R. Doss, Jr., to Tennessee Valley Broadcasting Co., Inc.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KHSL, Chico, Calif.; KROW, Oakland, Calif.; KRSC, Seattle, Wash.; KVOR, Colorado Springs, Colo.; WASH, Grand Rapids, Mich.; WDBJ and auxiliary, Roanoke, Va.; WDOD, Chattanooga, Tenn.; WEBC and auxiliary, Duluth, Minn.; WGNY, Newburg, N. Y.; WJBO, Baton Rouge, La.; WMRO, Aurora, Ill.; WNBZ, Saranac Lake, N. Y.; WREN, Lawrence, Kans.; WTAW, College Station, Texas.

MODIFICATION OF LICENSES TO INCREASE POWER AUTHORIZED

The following stations were granted modification of licenses to increase power to 250 watts:

WABI, Bangor, Maine; WJTN, Jamestown, N. Y.; WMAS, Springfield, Mass.; WGAL, Lancaster, Pa.; WMPC, Lapeer, Mich.; WJAC, Johnstown, Pa.; WWSW, Pittsburgh, Pa.; WRAK, Williamsport, Pa.; WCMI, Ashland, Ky.; WOMI, Owensboro, Ky.; WHLS, Port Huron, Mich.; WFTC, Kinston, N. C.; KALB, Alexandria, La.; WJBY, Gadsden, Ala.; WJHL, Johnson City, Tenn.; KRIC, Beaumont, Tex.; WOPI, Bristol, Tenn.; KFVS, Cape Girardeau, Mo.; WRJN, Racine, Wis.; WGL, Fort Wayne, Ind., and KAST, Astoria, Ore.

MISCELLANEOUS

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time for the period September 7 to September 14, for the purpose of broadcasting war news only.

W2XAB—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to conduct equipment tests on television station for a period of 10 days from September 8.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate a temporary unmodulated 100-watt crystal controlled transmitter on **1090 kc.** in the Baltimore area one hour after sunrise to one hour before sunset, for the period September 12 to October 11, in order to conduct a site survey.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 6 to 10 p. m., CST, for the period September 10 to 16, in order to broadcast special night ceremonies and programs originating at Kentucky State Fair, using 100 watts after local sunset.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XOJ on frequency **43000 kc.**, with power not to exceed 2 KW, for the period September 17 to October 16, in order to make adjustment on equipment installed and for tuning and adjustments of antenna elements which are now assembled for erection atop 400-foot mast.

NEW—United Theatres, Inc., San Juan, P. R.—Granted request for further extension in which to file opposition for reopening case in re application for new station filed by Enrique Abarca Sanfeliz, San Juan, P. R., an additional 5 days from August 23 to August 28.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—By motion of counsel, petition to intervene in the hearing on the application of Presque Isle Broadcasting Co., Erie, Pa., was withdrawn.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted petition to accept amendment for change in hours of operation in re Docket No. 5667; continuance of hearing in Docket 5657 from November 6, and to hear both dockets together. Opposition and motion to strike filed by WCAM and WCAP overruled, counsel for WCAM and WCAP noting an exception.

NEW—Moody Bible Institute Radio Station, Chicago, Ill.—Referred to Commission en banc at oral argument on this case scheduled for September 14, 1939, the motion to amend application in re Docket No. 5321.

W2XBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast station W2XBT on the frequency band **156-162 mc.**, for the period September 12 to October 11, pending adjustment of the license to conform with the provisions of Sec. 4.74.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Denied motion to continue hearing for 15 days from October 2 to October 17, in re Docket 5702, the application of the Nevada Broadcasting Co. for a new station in Las Vegas.

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted petition to intervene in the hearing in re the application of The Gazette Co. for a new station in Cedar Rapids.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted petition to intervene in the hearing on the application of WSBT, The South Bend Tribune, South Bend, Ind.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted petition to intervene and request for enlargement of the issues to determine whether there is interference, in re application of WSBT.

WDBJ—Times-World Corp., Roanoke, Va.—Granted petition to intervene and request for enlargement of the issues to determine whether there is interference, in re application of WSBT.

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted motion to amend application so as to request **1370 kc.**, 250 watts, unlimited time, instead of **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—Granted motion to continue argument on petition to reopen hearing in re application of applicant and of the United Theatres, Inc., for a new station in San Juan.

KVOD—Colorado Radio Corp., Denver, Colo.—Granted petition to intervene in the hearing on the application of KABC, Alamo Broadcasting Co., Inc., San Antonio, Tex.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Withdrawn on motion of applicant, petition for postponement of oral argument now scheduled for September 14, on application of WPG for voluntary assignment of license and C. P. to move station to New York.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Granted motion to continue hearing on application for new station for 15 days from October 2 to October 17.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Granted motion for order to take depositions in re application for new station, with change in dates to September 25, 26 and 28.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Referred to Commission en banc, all parties requesting opportunity to argue before Commission, the motion to file amended application so as to request **1430 kc.**, 500 watts, unlimited time, filed in addition to new engineering testimony, and that time for filing proposed findings of fact and conclusions be extended.

WSPR—Conn. Valley Broadcasting Co., Springfield, Mass.—Granted petition of Conn. Valley Broadcasting Co. to accept amendment as to change in name to WSPR, Inc.;

installation of a directive antenna, and increase in operating power to 500 watts, unlimited time.

Thomas J. Watson, Endicott, N. Y.—Overruled motion to withhold further consideration of the application of WMFF, Plattsburg Broadcasting Corp., Plattsburg, N. Y., for C. P. to change operating assignment from **1310 kc.,** 100 watts night, 250 watts LS, to **1240 kc.,** 1 KW, unlimited time (DA night).

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Granted request for order to take depositions in re application for new station.

KGFL—KGFL, Inc., Roswell, N. Mex.—Denied special temporary authority to operate simultaneously with station KICA from 7:30 to 10 p. m., MST, on September 10. 17 and 24, October 1 and 8, in order to broadcast the Sunday evening church services.

W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to use and operate transmitting apparatus of high frequency broadcast experiment station W8XNU, located at the southeast corner Warner and Chickashaw Sts., Cincinnati, at Carew Tower, Cincinnati, for the period September 15 to October 14, in order to make mechanical improvements in antenna and transmitting equipment.

WBEN—WBEN, Inc., Buffalo, N. Y.—Granted special temporary authority to operate station WBEN on **970 kc.,** with 100 watts power, for a period not to exceed 15 days, daily from one hour after sunrise to one hour before sunset, in order to conduct site surveys.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Denied special temporary authority to operate from 8 to 9 p. m., PST, on September 22 in order to broadcast Loyola University football game.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Denied special temporary authority to operate from 8 to 9 p. m., PST, on September 29 in order to broadcast Loyola University football game.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Denied special temporary authority to operate from 8 to 9:30 p. m., PST, on October 6, in order to broadcast a Loyola University football game.

KGFL—KGFL, Inc., Roswell, N. Mex.—Denied special temporary authority to operate simultaneously with station KICA from 7:30 to 11 p. m., MST, on September 15, 22, and 29, October 6 and 13, in order to broadcast Roswell High School football games.

NEW—Worcester County Broadcasting Corp., Worcester, Mass.—Granted petition to intervene in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester. This case was heard before an examiner on July 14 and 24 and the record held open until September 15 for receiving further evidence concerning legal qualifications of applicant.

WIS—WIS, Inc., Columbia, S. C.—Denied petition for rehearing in re application for a "satellite station" to operate on **560 kc.,** with power of 10 to 100 watts, with hours of operation local sunset until local sunrise at Sumter, S. C., which was denied by the Commission on July 13, 1939.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Denied petition to accept amendment and for rehearing in re application for special authority for a satellite station to operate on **1270 kc.,** synchronously with WFBR, with power of 10 to 100 watts, unlimited time, which was denied by the Commission on July 13, 1939.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Denied special temporary authority to operate unlimited time for the period September 7 to 16, in order to broadcast news reports on war situation.

KGFL—KGFL, Inc., Roswell, N. Mex.—Denied special temporary authority to operate simultaneously with KICA from 1 to 4 p. m., MST, for a period not to exceed 30 days, in order to broadcast news of emergency nature concerning events in Europe.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Denied special temporary authority to operate for a period not to exceed 10 days, in order to broadcast war news.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied extension of special temporary authority to operate unlimited time with power of 250 watts in order to broadcast matters concerning present European crisis, for the period September 11 to October 10.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Sept. 6:30 p. m., EST), to 12 midnight or to conclusion of primary election returns broadcast, on September 12.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate unlimited time on September 11, in order to broadcast baseball game only.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate from local sunset (September, 6:45 p. m., and October, 6 p. m., EST), to 10:30 p. m., EST on September 15, 22 and 29; October 6 and 13, in order to hold the audience from local sunset to 8 p. m. and to broadcast high school football games from 8 to 10:30 p. m.

The Okla. Network, Inc., Oklahoma City, Okla.—Granted special temporary authority to operate Amateur Radio station W5CLI as a relay broadcast station for the period 6:30 to 7:30 p. m., CST, on September 16, in connection with the Cherokee Strip Celebration at Ponca City; transmitter to be operated with power less than 25 watts; frequencies to be selected from Section 4.23.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m., October, 5:45 p. m., CST), to 11:30 p. m., CST, on September 22, 29 and October 6, 13 and 20, in order to broadcast high school football games only.

KFDY—So. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to operate from 2 to 4:45 p. m., CST, on September 23, 30; October 7 and 21, in order to broadcast football games only; denied authority to operate from 10 a. m., to 12:30 p. m., CST on October 21, in order to broadcast Hobo Day Parade.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 4 to 6 p. m., CST, on September 30; October 7, 14, 21 and 28, in order to broadcast Purdue University football game.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted special temporary authority to operate unlimited time on September 12, in order to broadcast primary election returns only.

WRNL—Richmond Radio Corp., Richmond, Va.—Denied extension of special temporary authority to operate from 6:45 to 7 p m., EST, for the period September 12 to 21, in order to broadcast Dr. Freeman's comments on European situation.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Me.—Granted license to cover C. P. authorizing new equipment and increase in daytime power to 250 watts.

NEW—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted license to utilize the equipment of developmental broadcast station W4XFN as a high frequency relay broadcast station, on frequencies **300000, 330000, 360000** and **390000 kc.,** 15 watts.

KBTB—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted license to cover C. P. for a new low frequency relay broadcast station to be used when wire facilities are not available to relay programs to be broadcast over applicant's broadcast station KDAL; frequencies **1606, 2022, 2102** and **2758 kc.,** 50 watts.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Denied extension of special temporary authority to operate evenings (LS, September, 6:30 p. m., October, 5:30 p. m., CST), for the period September 15 to October 14, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from MBS.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Denied special temporary authority to operate unlimited time (simultaneously with Station WOSU during hours WOSU is authorized to operate), in order to broadcast complete war news coverage of CBS, for a period not to exceed 10 days.

WGAN—Portland Broadcasting System, Inc., Portland, Me.—Denied special temporary authority to operate unlimited time for the period September 14, to October 13, in order to broadcast war news.

WMRO—Martin R. O'Brien, Aurora, Ill.—Denied special temporary authority to operate from local sunset (September, 6 p. m., CST), to 10 p. m., CST, on September 15, 22 and 29, using power of 100 watts only, in order to broadcast football games.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Denied special temporary authority to operate unlimited time for a period not to exceed 10 days, in order to broadcast war news.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied special temporary authority to operate unlimited time with

1 KW, in order to broadcast matters concerning European crisis, and baseball games, for period September 11 to 16.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate unlimited time for the week ending September 16 (provided WSVS remains silent), as Senaca Vocational School Station WSVS will be silent due to infantile paralysis situation.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time with power of 1 KW in order to broadcast the Macon-Augusta baseball games only, for the period September 11 to 16.

WGEA—General Electric Co., Schenectady, N. Y.—Granted extension of special temporary authority for international broadcast station to remain silent on frequency **21500 kc.,** for the period September 12, and ending no later than September 21, and to waive the condition set forth in existing license, which provides, "that three hours of each twenty-four shall be the minimum time for use of the frequency **21500 kc.**". in order that station WGEA may have additional time for broadcasts on frequency **15330 kc.,** relative to present European crisis.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, using directional antenna, for the period September 12, and ending in no event later than October 11, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.,** reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period September 19 to October 1.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW at night, using directional antenna, for the period September 12 to October 11, in order to overcome interference from Cuban Station CMQ, provided such operation on **780 kc.** with additional power terminates when CMQ ceases operation on that frequency or reduces power.

KNET—Palestine Broadcasting Assn., Palestine, Tex.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m.; October, 5:45 p. m., CST), to 11:30 p. m., CST, on September 15, 22; October 6 and 13, in order to broadcast football games only.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 5:45 p. m. to 12 midnight, CST, on October 7, 13, 20 and 27, in order to broadcast football games only.

KWEW—W. E. Wbitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with Station KBST from 7:30 to 10:30 p. m., MST, on September 14, 22 and 29, and October 6, 13, 1939, in order to broadcast football games only.

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with station KOA, to broadcast football games of Univ. of Fla. on September 23, October 7 and 21, as described in letter of August 15, 1939.

WKAR—Mich. State College, E. Lansing, Mich.—Granted special temporary authority to rebroadcast Naval Observatory time signals over station WKAR, provided station complies with requirements of Naval Observatory Station, for the period September 13 and ending no later than February 1, 1940.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 10 p. m., CST, midnight, for the period September 13 to 16, using 100 watts, in order to broadcast Ky. Fair programs and high school football games only.

NEW—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Adopted Final Order, effective September 14, 1939, granting application for C. P. for a new station to use **1310 kc.,** 100 watts, unlimited time, Proposed Findings on which were made and entered by the Commission on July 13, 1939.

APPLICATIONS FILED AT FCC

570 Kilocycles

KGKO—KGKO Broadcasting Co., Ft. Worth, Tex.—Voluntary assignment of license from KGKO Broadcasting Co. to Carter Publications, Inc.

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Modified construction permit (B5-P-2277) for increase in power, new equipment, new antenna, move transmitter, requesting approval of antenna and approval of transmitter site.

590 Kilocycles

WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Modified construction permit (B1-P-1196) to install new transmitter and directional antenna, increase power and move transmitter to further request increase in power. Amended: To use directional antenna for day and night.

620 Kilocycles

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Authority to transfer control of corporation from Fred J. Lee to The Tribune Co., 10 shares common stock.

630 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Modified construction permit (B1-P-2369) to increase power, move transmitter, install new transmitter and make changes in directional antenna further requesting changes in equipment.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Authority to determine operating power by direct measurement of antenna power.

940 Kilocycles

NEW—Hunt Broadcasting Assn., Fred E. Horton, Pres., Greenville, Tex.—Construction permit for a new broadcast station to be operated on **940 kc.,** 1 KW, daytime.

1120 Kilocycles

NEW—R. B. Terry, D. A. Rawley, C. M. Waynick & H. A. Cecil, d/b as High Point Broadcasting Co., High Point, N. C.—Construction permit for a new broadcast station to be operated on **1120 kc.,** 250 watts, unlimited time. (Amended to change name.)

1180 Kilocycles

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit to install directional antenna for night use, change frequency from **1180** to **1240 kc.,** and hours from limited to unlimited time.

1200 Kilocycles

KBTM—Jay P. Beard, tr. as Regional Broadcasting Co., Jonesboro, Ark.—Construction permit to make changes in equipment, change hours of operation and power from 100 watts day to 100 watts night, 250 watts day, unlimited time.

WHBY—WHBY, Inc., Green Bay, Wis.—Modified construction permit (B4-P-2289) for move transmitter, new transmitter and antenna, further requesting approval of antenna and studio and transmitter site. Amended: Antenna changes and move transmitter.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Modified license (no changes in facilities requested). Amended: To request increase in power from 100 watts night, 250 watts day to 250 watts day and night.

WMFR—Radio Station WMFR, Inc., High Point, N. Car.—Authority to determine operating power by direct measurement of antenna power.

KFXJ—R. G. Howell & Chas. Howell, d/b as Western Slope B/C Co., Grand Junction, Colo.—License to cover construction permit (B5-P-2376) for new transmitter and vertical antenna.

1210 Kilocycles

KDLR—KDLR, Inc., Devils Lake, N. Dak.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

WFOY—Fountain of Youth Properties, Inc., St. Augustine, Fla.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

1310 Kilocycles

WSAV—Arthur Lucas, Savannah, Ga.—Modified construction permit (B3-P-1714) for new station, requesting approval of antenna and studio and transmitter sites. Amended: Make antenna changes, install new transmitter and give transmitter site and change name to WSAV, Inc.

NEW—E. E. Krebsbach, Miles City, Mont.—Construction permit for new broadcast station to be operated on **1310 kc.**, 100 watts night, 250 watts day, unlimited time.

1370 Kilocycles

NEW—Lookout Mountain Corp. of Georgia, Lookout Mountain, Ga.—Construction permit for new broadcast station to be operated on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Amended: To correct name to Lookout Mountain Co. of Georgia.

KFRO—Voice of Longview, Longview, Tex.—Modified construction permit (B3-P-2117) to change frequency, increase power, change hours of operation, move transmitter, install new transmitter and directional antenna for night use, further requesting change in type of equipment, changes in antenna, move transmitter and extend commencement and completion dates.

1420 Kilocycles

KDNT—Harwell V. Shepard, Denton, Tex.—Construction permit to make changes in equipment, increase power from 100 watts to 250 watts.

KLBM—Harold M. Finlay and Eloise Finlay, La Grande, Ore.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast Station, Eugene, Ore.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

NEW—R. B. Terry, D. A. Rawley, Staley A. Cooke and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts, daytime.

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Construction permit to make equipment changes and increase power from 100 watts to 250 watts.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modified license to increase power from 100 watts night, 250 watts, to 250 watts day and night.

1440 Kilocycles

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Modified license to increase power from 500 watts to 1 KW.

1500 Kilocycles

KYSM—F. B. Clements & Co., a co-partnership composed of F. Braden Clements, Clara D. Clements and C. C. Clements, d/b Southern Minnesota Supply Co., Mankato, Minn.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant R. Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Construction permit to make equipment changes.

KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

KGKY—Hilliard Co., Inc., Scottsbluff, Nebr.—Modified license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

MISCELLANEOUS

NEW—Midland Broadcasting Co., Kansas City, Mo.—License to utilize the former equipment of high frequency broadcast station W9XER as an order relay broadcast station on **31220 kc.**, with power of 50 watts, A3 emission. Amended to request **35620, 37020** and **39260 kc.**, using 25 watts power in addition to above frequency **31220 kc.**, using 50 watts power.

WAIO—WDZ Broadcasting Co., Portable-Mobile.—License to cover construction permit (B4-PRY-188) for new relay broadcast station.

WFYB—Columbia Broadcasting System, Inc., Portable-Mobile.—Modified license to change area and broadcast station with which it is to be operated from area of Cincinnati, Ohio, Radio Station WKRC, to area of New York, N. Y., Radio Station WABC-WBOQ.

NEW—KRIC, Inc., Portable-Mobile.—Construction permit for new low frequency relay broadcast station to be operated on **1646, 2090, 2190, 2830 kc.**, 40 watts, A3 emission, area Beaumont, Tex.

KBRG—WDAY, Inc., Portable-Mobile.—License to cover construction permit (B4-PRY-175) for new low frequency relay station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

AC Spark Plug Company—See General Motors Corporation.

General Motors Corporation, Detroit, and its subsidiary, AC Spark Plug Company, Flint, Mich., are charged with violations of the Clayton, Robinson-Patman and Federal Trade Commission Acts in the sale of spark plugs, oil filters, and accessories.

The respondents allegedly entered into contracts with some 1,500 wholesalers concerning the sale of "AC" products. It was alleged that certain of the contracts provided that the distributors handle "AC" products on an exclusive basis, and that prices were fixed and charged on the basis of such agreements. With other wholesalers, the respondents allegedly fixed prices and sold "AC" products to such dealers on the agreement, condition and understanding that they would not use or deal in similar competing products. All of these contracts were alleged to be in violation of Section 3 of the Clayton Act prohibiting exclusive dealing arrangements.

The result and effect was to compel many dealers to cancel sales contracts with the respondents' competitors and to substantially lessen competition in the sale of spark plugs and oil filters, according to the complaint.

Price discrimination allegedly was practiced by the respondents in violation of Section 2(a) of the Robinson-Patman Act between classes of their direct accounts, classes of their indirect accounts; between direct and indirect accounts; between contract accounts and non-contract accounts; and between all replacement accounts and original equipment accounts, with the effect of substantially lessening competition, tending to create a monopoly, and preventing competition between the customers receiving benefit of the discrimination and those not receiving it, and between the respondents and their competitors. (3886)

K. K. Importing Corporation—In a complaint, the K. K. Importing Corporation, 45 John Street, New York, was charged with violating the provisions of Section 5 of the Federal Trade Commission Act. The respondent is engaged in importing products into the United States and reselling them in foreign commerce. In connection with such business the respondent is charged with inducing a Japanese manufacturer to misbrand Japanese-made optical lenses by falsely branding them or their containers with the words and letters "Made in U. S. A." The respondent is further charged with procuring foreign business by negotiating the export of such falsely branded products to Cuban importers.

The complaint alleges that purchasers in certain foreign countries, including Cuba, have a preference for products made in the United States as distinguished from like products made in Japan, and that certain foreign countries, including Cuba, grant reductions in import and custom duties on products made in and imported from the United States. (3885)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Crystex of Florida, Inc., 414 18th St., Miami Beach, agreed to cease representing by word or picture that its waterproofing product, "Crystex", has been used in the construction of Boulder Dam or any other specified structure, or that the company has branch offices or establishments in Los Angeles, Houston, Tex., or any other place, when such are not the facts. The respondent will also cease representing that its product has had 10 years of proving or testing in excess of the actual time. (2529)

Signal Manufacturing Company, trading as Simaco Products Company, 587 Washington St., Lynn, Mass., agreed to cease using the word "rubber" or any other word connoting rubber, either alone or in connection with the word "flexible" or with any other words as descriptive of electric fan blades which are not composed of rubber, or using the word "rubber" so as to imply that the blades are made wholly of rubber, when such is not a fact. The stipulation provides that if the blades are composed in substantial part of rubber and in part of other materials and the word "rubber" is used, then it shall be accompanied by some other words printed in equally conspicuous type so as to indicate clearly that the blades are composed in part of material other than rubber. (2531)

Simaco Products Company—See Signal Manufacturing Company.

Trojan, Inc., 2210 Wabansia Ave., Chicago, stipulated that it will cease using the word "Prism" or any similar term such as "Prisma", in any way, to describe its field glasses and binoculars when such products are not of the prism type. The respondent will also discontinue advertisements implying that its products have prism erecting systems, when such is not a fact. (2530)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Chemical Company—See Averbach Company, Inc.

American Oil Company, Baltimore, and General Finance, Inc., Washington, operator of a gasoline station at Florida Ave. at 14th St., N. W., and engaged in selling and in financing sales of taxicabs, were ordered to discontinue price discriminations in the sale of gasoline in violation of the Robinson-Patman Act.

The Commission, in substance, ordered General Finance, Inc., to cease and desist from obtaining gasoline on a commercial consumer's contract for its own use, then reselling it to the public, to taxicabs, or others.

Findings of the Commission are that American Oil Company, by selling gasoline and petroleum products to General Finance, Inc., at prices substantially lower than those charged by it for such products to other retail dealers in the District of Columbia, discriminated in price between General Finance and its other dealers in the District, the effect having been to lessen competition between General Finance and the other dealers and to prevent and destroy competition with American Oil Company and with General Finance, which received the benefit of the discrimination. The order prohibited such discrimination.

It was also found that prices fixed and agreed upon in contracts between American Oil and the other parties were based on the representation that gasoline and petroleum products purchased thereunder were for the purchaser's own consumption only and not for resale and that General Finance, by reselling such products so purchased under the contracts, thus obtained from American Oil Company an unlawful price discrimination in its favor and to the injury of other retail gasoline dealers competing with it, who were required to pay American Oil Company and other suppliers the full posted retail dealer tank wagon prices. This discrimination was also prohibited by the order.

The findings continue that General Finance, Inc., has well known that the prices fixed in the contracts were lower than those paid by other retail dealers competing with General Finance and the order prohibited this company from inducing or receiving the various discriminations found to have been made. (3843)

Anco Company—See C. R. Anthony Company.

C. R. Anthony Company, Oklahoma City, Okla., operator of 57 retail department stores in Oklahoma, Kansas, Texas, and New Mexico, was ordered to discontinue accepting brokerage fees in violation of the Robinson-Patman Act.

Findings are that C. R. Anthony Company under the name of The Anco Company, 1450 Broadway, New York, had been receiving from the seller respondents, without performing any services for them, so-called brokerage fees and commissions which amounted to an agreed perecntage on quoted sales prices of women's apparel and other merchandise sold to The Anco Company for resale in the C. R. Anthony Company chain stores.

Under the order, the seller respondents were prohibited from paying any fee or commission as brokerage to C. R. Anthony Company, upon purchases made in its own or any other name. The C. R. Anthony Company, under its own or any other name, was ordered to cease accepting brokerage fees in connection with its purchase of merchandise. (3834)

Averbach Company, Inc.—An order to discontinue misleading representations in the sale of flavoring compounds, foodstuffs, toilet articles and novelties was entered against Averbach Company, Inc., Maid-O-Best, Inc., G. M. Moses, Esther Averbach, Morris Averbach, and Jerome Averbach, the latter three trading as The Muriel Company and as American Chemical Company, 1449 University Ave., St. Paul, Minn.

Under the order, the respondents are to discontinue representing that they manufacture the product they sell, unless they absolutely control a plant in which such products are made. The respondents were further ordered to cease representing that so-called "special offers" or "special deals" are limited to a given period of time or to a given number of persons, when the prices stated in such offers are the regular prices, or that any specified amount of money is on deposit in some financial institution, such sum to be used to cover refunds for returned Maid-O-Best Products, unless that is a fact.

The order further forbids the respondents from using the term "vanilla extract" to describe a flavoring product, unless prepared with a vehicle of ethyl alcohol and containing a flavoring content at least 50 per cent of which shall consist of true vanilla made from the vanilla bean.

Findings are that in July, 1936, the manufacturing businesses formerly conducted by G. M. Moses through Maid-O-Best, Inc., and by Morris Averbach, trading as The Muriel Company and as The American Chemical Company, were taken over by Averbach Company, Inc., organized and financed by Averbach and members of his family. (3342)

G. Bernardi, Cleveland, Ohio, was ordered to cease representing that "Benaris", or any similar preparation, is a cure or remedy for colds, catarrh, bronchitis, laryngitis and kindred ailments; causes greater diaphragmatic breathing, or results in finer head tones or increases the resonance, volume or quality of the voice. The respondent was also ordered to discontinue representing that "Benaris" will relieve headaches, unless such representation is limited to headaches which are due to congestion of the mucous membranes of the air passages. (3857)

Great Britain Spiritualist Church, Detroit, and Mrs. Charles P. Colbert, Virgil L. Eckridge, Mary Hopkins, and Delmar William White, individually and as officers, directors and agents of the corporation, have been ordered to cease and desist from advertising or representing, among other things, that magic qualities are attached to their products such as "Grendeline Holy Oil," "Fox Fire Powder," "Mintolean Mojou Lucky Oil," and "Jungles Floor Wash," or that the products or the substances from which they are made are imported from Africa or India, when such is not a fact.

Findings of the Commission are that the respondents are engaged in the sale and distribution of so-called "holy oils," books, tracts, talismans, charms, soaps, perfumes and similar products. (3474)

General Finance, Inc.—See American Oil Company.

Maid-O-Best, Inc.—See Averbach Company, Inc.

Muriel Company—See Averbach Company, Inc.

Peanut Novelty Company—William P. Bennett and Charles C. Bennett, trading as Peanut Novelty Company, Dallas, Texas, were ordered to cease selling packages of peanuts or any other merchandise containing coins, such packages being assembled with other packages of similar appearance not containing coins, for resale to the general public by means of a lottery plan. The respondents were also prohibited from furnishing dealers with display cards or other printed matter informing the purchasers that the merchandise was being sold by means of a lottery device. (2961)

United Distributors, Inc., Louisville, Ky., was ordered to cease representing that use of its preparation "Wittone" will lift mental depression regardless of its cause, and will assure, in all cases, good health and vitality, and that the product contains any specified number of carminatives other than the actual number, or is a remedy or an adequate treatment for all deranged stomachic conditions, inactive livers, weak kidneys or similar disorders. Further representations to be discontinued are that professional medical opinion is to the effect that 87 percent, or any other percentage of all ailments are traceable to constipation as the fundamental cause, unless such percentage is generally recognized by a consensus of the medical profession. (3708)

Walls Sales Company—See Wright Products Company.

Wright Products Company—Isaac S. Friedman, trading as Wright Products Company, 4303 North Keeler Ave., Chicago, and Jean Lawrence, trading as Wells Sales Company, 4903 North Monticello Ave., Chicago, were ordered to cease supplying others with lottery devices for use in the sale of merchandise, or selling any merchandise by the use of lottery devices. (3806 and 3767)

Zendejas Products Corporation, Los Angeles, Cal., and Jose Silva, trading as Zendejas Products Company, Los Angeles, Calif., were ordered to cease representing directly or by implication that "Zendejas Medicine" contains well-known curative properties of many plants, barks and roots; contributes to the purification of the blood; is an alternative for the general digestive system, or promotes a formation of new and healthy elements. The respondents were further ordered to discontinue claims that "Zendejas Medicine" is a cure for all ailments for which an iodized medicine could be prescribed, and that millions of rheumatics recommend its use. The order also prohibits advertisements which fail to reveal that "Zendejas Medicine" contains potassium iodide and may be injurious to persons afflicted with latent tuberculosis or toxic goiter and that its indiscriminate use by the lay public is dangerous. The respondents were also ordered to discontinue advertisements which represent "Zendejas Ointment" as being a competent and effective treatment for eczema, rash, ringworm, itching and other skin diseases, or which fail to reveal that this preparation contains betanaphthol, a dangerous drug, which should be used only under a physician's supervision. (3679)

FTC CLOSES CASES

The Federal Trade Commission closed without prejudice its case against the now-dissolved Pacific Amusement Manufacturing Company, which also traded as Pacific Manufacturing Corporation, 4223 Lake St., Chicago. The respondent was charged with having used lottery schemes in the sale of chewing gum and other merchandise. The respondent corporation having been dissolved, the case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

The Commission has also closed wtihout prejudice its case in which the now-dissolved Brinker Candy Corporation, 3223 West Lake St., Chicago, was charged with having used lottery schemes in the sale of candy. The respondent corporation having been dissolved, the case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 38, September 22, 1939

Enthusiastic Convention Approves Music Plan

Creation of an independent source of music for the broadcasting industry, authorized at last week's special NAB convention, is proceeding rapidly. Legal details were being worked out this week, and SEC approval will be sought shortly.

An enthusiastic convention directed the NAB to proceed on four fronts to free the industry from the chains of a music monopoly:

1. To create an independent source of music by organizing an industry-owned corporation to obtain and supply popular numbers. The convention decided that each broadcaster should contribute an amount equal to one-half of his 1937 ASCAP payment for stock in this corporation and license fees. All elements in the industry—networks, affiliates and independents—are to be represented on the board of directors of this new corporation. Further details of this plan may be found in the convention resolution printed below.

2. To continue NAB assistance to broadcasters involved in copyright monopoly litigation.

3. To urge the prosecution of the pending Federal monopoly suit against ASCAP.

4. To seek amendment of the Copyright Act of 1909 "so as to bring it into conformity with the needs of the broadcasting industry".

Copyright Resolutions

The special NAB Convention in Chicago last week adopted the following four resolutions dealing with the music copyright problem:

I

Resolved, That this convention authorizes the Board of Directors to cause a corporation to be organized with an authorized capital stock of 100,000 shares of the par value of $1 a share, and with broad powers to carry out the building of an alternative source of music suitable for broadcasters and to make the same available to broadcasters and others.

Resolved, That this convention authorizes the Board of Directors to do all things necessary and proper to enable the creation of an additional source of music suitable for radio broadcasting purposes, and that the convention urge all broadcasters, whether or not members of the National Association of Broadcasters, to pay to said corporation for stock and license fees a total sum equal to one-half of the total license fees paid or payable by each such broadcaster to the American Society of Composers, Authors, and Publishers covering the calendar year 1937, and that the convention urge those broadcasters, who did not pay ASCAP license fees during all of said year, to pay the amounts allocated to them by the NAB or by the music corporation to be formed.

Further Resolved, That this convention authorizes Neville Miller to act as President of the corporation and Everett E. Revercomb to act as Secretary and Treasurer of the corporation until a paid Secretary-Treasurer is

(Continued on page 3728)

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

COPYRIGHT RESOLUTIONS

(Continued from page 3727)

employed, and authorizes the following to be the directors of the corporation, until the first meeting of stockholders of the corporation:

Neville Miller, representing National Association of Broadcasters;

Walter Damm, representing Newspaper-owned Stations;

John Elmer, representing Independent Stations;

Edward Klauber, representing Columbia Broadcasting System, Inc.;

Lenox R. Lohr, representing National Broadcasting Company, Inc.;

Samuel R. Rosenbaum, representing Independent Radio Network Affiliates;

John Shepard, III, representing Regional Broadcast Stations.

Further Be It Resolved, That this convention authorizes the National Association of Broadcasters to bear the expense of the corporate organization of the corporation and the registration of its security issue in accordance with applicable laws and the expense of the retention of counsel, accountants and such other persons as the National Association of Broadcasters shall deem necessary, on the understanding that the National Association of Broadcasters is to be reimbursed by the corporation for any and all of such expense when the corporation secures sufficient funds to enable the effective operation of the corporation in the judgment of the directors of the same for the purposes for which it is organized.

II

Resolved, That the assistance to broadcasters involved in copyright monopoly litigation be continued by the headquarters legal department, and that active cooperation with local attorneys be made available upon request of the District Director.

III

Resolved, That the National Association of Broadcasters regards the prosecution of the pending suit of the United States of America against the American Society of Composers, Authors and Publishers as vitally necessary in the interests not only of the broadcasting industry but of the American public, and respectfully urges the speedy and vigorous prosecution of such suit.

IV

Resolved, That the National Association of Broadcasters further, by all legitimate means, the amendment of the Copyright Act of 1909 so as to bring it into conformity with the needs of the broadcasting industry.

IRNA REORGANIZES

Permanent organization of the Independent Radio Network Affiliates was completed at the convention at the Palmer House in Chicago last week. The organization consists of 325 radio stations in the United States affiliated with the networks of the National Broadcasting Company, Columbia Broadcasting System and Mutual Broadcasting System, but independently owned and not managed or operated by the network companies.

Samuel R. Rosenbaum, WFIL, Philadelphia, was re-elected chairman for the ensuing year, and Paul Morency, WTIC, Hartford, was elected vice chairman, to fill the vacancy caused by the resignation of Mark Ethridge, of WHAS, Louisville.

The convention was attended by 125 delegates, representing 150 of the member stations. The convention elected the following board of directors under a plan of reorganization, under which the organization has obtained a corporate charter:

For three years: Mark Ethridge, WHAS, Louisville; L. B. Wilson, WCKY, Cincinnati; Samuel R. Rosenbaum, WFIL, Philadelphia; Edwin W. Craig, WSM, Nashville; H. K. Carpenter, WHK, Cleveland.

For two years: Charles W. Myers, KOIN, Portland; John A. Kennedy, WCHS, Charleston; W. J. Damm, WTMJ, Milwaukee; Paul Morency, WTIC, Hartford; John Shepard, 3rd, Colonial Network, Boston.

For one year: I. R. Lounsberry, WGR, Buffalo; Edgar Bill, Peoria; E. B. Craney, KGIR, Butte; George W. Norton, Jr., WAVE, Louisville; Gene O'Fallon, KFEL, Denver.

The Board designated the following to serve as its executive committee for the ensuing year: Samuel R. Rosenbaum, Chairman; Mark Ethridge, Walter J. Damm, L. B. Wilson, and John Shepard, 3rd.

The executive committee was authorized to set up and maintain a permanent office for the organization, which is devoted to protecting the interests of the stations in their relations with the national networks. The immediate subject which will receive attention is the negotiations and the campaign now being waged by the broadcasting industry in relation to the problems arising out of the use of copyrighted music. In addition, the organization has for one of its objectives the elimination of certain practices to which it objects in connection with commercial announcements and copy in network programs.

Two years ago, the organization was influential in settling the threatened nation-wide strike of musicians in radio stations. The contract which was then entered into will expire in January, 1940, and the subject of the future course of action of the stations in this regard is also receiving study.

INDEPENDENTS REORGANIZE

At a meeting in Chicago prior to the NAB Special Convention, the National Committee of Independent Broadcasters voted to reorganize as the National Independent Broadcasters, Inc., with Harold A. Lafount (WCOP) as president, Edward A. Allen (WLVA) as vice president, and Lloyd C. Thomas (KGFW) as secretary-treasurer.

Seventeen district directors were elected as follows:

District 1, Stanley Schultz (WLAW); District 2, Harold A. Lafount (WCOP); District 3, Frank Smith, Jr., (WWSW); District 4, Edward Allen (WLVA); District 5, Maurice Coleman (WATL); District 6, Jack Draughon (WSIX); District 7, Jack Howard (WCPO); District 8, James Hopkins (WJBK); District 9, Ralph Atlass, (WJJD); District 10, Edgar Shutz (WIL); District 11, Gregory Gentling (KROC); District 12, K. W. Pyle (KFBI); District 13, James Curtis (KFRO); District 14, Frank Hurt (KFXD); District 15, Arthur Westlund (KRE); District 16, Leo Tyson (KMPC); District 17, T. W. Symons (KXL).

Neutrality

Convention Resolution

The Special NAB Convention in Chicago last week adopted the following resolution dealing with neutrality:

WHEREAS, the declared public policy of the United States of America toward the current European war is one of strict neutrality; and

WHEREAS, in this emergency the members of the National Association of Broadcasters desire to contribute their full co-operation, through self-regulation, to the support of this declared public policy; therefore, be it

RESOLVED, That the members of the National Association of Broadcasters will exercise the greatest possible care in the use, preparation, and transmission of broadcasts dealing with the war, to the end that these broadcasts will conform with and support this declared public policy.

McNUTT ENDORSES NETWORKS WAR NEWS REGULATIONS

In a Mutual broadcast last week, Paul V. McNutt, social security administrator, highly praised the adoption of war broadcast regulations by the networks, as announced September 12 by Neville Miller, NAB president.

The fact that Mr. McNutt revamped his address on the eve of its delivery to include comment on the voluntary arrangements perfected by NAB and the networks, is held significant in some quarters.

Some observers believe that industry action has served to allay official fears that the broadcasters might prove unequal to neutral handling of war news. The existence of such doubt was reported to members in NAB REPORTS of September 8 after radio had been referred to as an untried rookie by Presidential Secretary Stephen T. Early. Mr. McNutt's appearance over MBS had been arranged by Fulton Lewis, Jr., regular network commentator, who had booked Mr. McNutt and other notables to substitute for him during a short vacation.

Following is a part of Mr. McNutt's talk:

"The action, announced in this morning's papers, of the National Association of Broadcasters, is an outstanding example of this American attitude—this respect for liberty of speech, this determination not to abuse it or to let others abuse it. In pledging themselves to be, I quote, 'temperate, responsible, and mature in . . . the manner in which they make the facts of war and its attendant circumstances known to the public', in taking this self-appointed pledge our radio networks have set an example which we should both applaud and follow.

"I hope and believe that their great audiences throughout the country will listen to the news with the same dispassionate and objective striving for truth and balance with which they strive to present it. In a democracy like ours, and particularly in times like these, it is essential that the people know the facts—all the facts on all sides. But knowing is not enough. Understanding, sifting and weighing in the light of reason, is the better part of wisdom. And sifting and weighing the day's grist of news at home and abroad is a responsibility that not one of us should dare to shirk.

"The President said, a week ago Sunday, that Americans are the best informed people in the world. Let us continue to be also the most clear headed. Only so can we preserve the freedom of the press, of the radio and of the individual citizen . . ."

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FCC WARNS AMATEURS

In announcing the two amateur license suspensions, the FCC stated this week that the international situation made it doubly necessary that the amateurs of this country observe closely the Rules and Regulations laid down for them. The Commission warned that further unauthorized activities by amateur stations during the period of the European war may tend to bring about curtailment of the short wave operations of amateurs generally. The Commission urged the 60,000 amateurs, who as a body have frequently performed outstanding public service, to take all appropriate steps to protect their own standing and their beneficial operations.

SHIP INFORMATION

The French (steamship) Line has requested the NAB to urge all members to refrain from broadcasting information regarding movement of ships at sea and any other information which would "disclose facts of military nature". The steamship company said it made this appeal "in the interest of protecting lives at sea".

FCC ORDERS HEARING ON CHARGE AGAINST WMCA

The FCC on Wednesday ordered a public hearing on Wednesday, September 27, 1939, on the order issued September 12, 1939, to Station WMCA, New York City, owned by the Knickerbocker Broadcasting Company, Inc., to show cause why its license should not be revoked for its alleged interception and broadcasting of secret radio communications of the Governments of Germany and Great Britain in alleged violation of Section 605 of the Communications Act. Under the commission's order the station was required, on or before September 15, 1939, to file a sworn answer setting forth all facts and circumstances in this regard. On September 13, 1939, an affidavit was filed on behalf of the station by William Weisman, vice president of the company, purporting to be in compliance with that order. The FCC noted that this affidavit appeared on its face to be incomplete, and did not constitute "a forthright compliance with the Commission's original order for the disclosure of all the facts and circumstances in this matter." The commission stated it had made its own investigation as to the alleged interception, and broadcasting by the station.

The text of the order:

Docket No. 5771
In re
Knickerbocker Broadcasting Company, Inc. (WMCA)
Order to Show Cause
ORDER

At a special meeting of the Commission, held at its offices in Washington, D. C., on Tuesday, September 19, 1939, the Commission having under consideration its Order to Show Cause entered September 12, 1939, in the above-entitled matter and the affidavit of William Weisman dated September 13, 1939, filed on behalf of Broadcast Station WMCA purporting to be in compliance with the requirements of said Order to Show Cause; and

Whereas the Commission, by its Order to Show Cause in this proceeding required the Knickerbocker Broadcasting Company, Inc., at or before 11 a. m. September 15, 1939, to file a written statement under oath setting forth all facts and circumstances pertaining to the alleged interception and broadcasting of certain secret radio communications and to show cause why the Commission should not revoke the license of said Station WMCA for violation of and failure to observe the provisions of the Communications Act of 1934, as amended, constituting conduct by said licensee contrary to public interest; and

Whereas the said affidavit of William Weisman is not in forthright compliance with the Commission's Order to Show Cause in that, while apparently intended to categorically deny that the licensee of Station WMCA itself intercepted messages in violation of the Communications Act, the said affidavit does not disclose whether the station broadcast any such messages knowing the same to be so intercepted; and further, in that the said affidavit, in lieu of disclosing all facts and circumstances as required by the Commission's Order, contains in large part general averments amounting to merely conclusions of law; and further, in that there are attached to said affidavit photostatic copies of documents alleged to constitute an agreement between Knickerbocker Broadcasting Company, Inc., and the New York Herald Tribune, by which the newspaper agrees to furnish the station material for broadcast purposes, the terms of said agreement, upon the face of these documents being ambiguous and indefinite in character, and that said written documents were supplemented by oral understandings constituting the full arrangement between the parties, the nature of such oral understandings not having been disclosed in said affidavit; and the particulars with respect to performance of said contract not being disclosed by said affidavit; that said affidavit is in other respects incomplete, evasive, and not in compliance with the Commission's Order; and

Whereas the Commission has information in its possession, and knowledge of facts not set out in said affidavit tending to establish that Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York, N. Y., caused the interception of secret radio communications sent by the Governments of Germany and Great Britain, respectively, and thereafter caused the existence, contents substance, purport, effect, or meaning of the same, knowing that such interception was in violation of the Communications Act, to be broadcast over the facilities of Station WMCA, and used the same or information contained therein for its own benefit all without authority of the respective senders of said communications; and

Whereas the Commission, considering that said affidavit is not in compliance with the terms of its order, desires to accord an opportunity for public hearing for the purpose of ascertaining all facts and circumstances pertaining to said alleged interception and broadcasting and for the purpose of permitting said Station WMCA to show cause why the Commission should not, pursuant to Section 312(a) of the Communications Act of 1934, as amended, revoke the license of said station in accordance with the terms of the Commission's Order to Show Cause of September 13, 1939;

It is by the Commission this 19th day of September, 1939, *ordered* that a public hearing be held at the offices of the Commission in Washington, D. C., at 10 a. m. on Wednesday, September 27, 1939, upon the issues set forth in the Commission's Order to Show Cause of September 12, 1939, and that notice of said hearing be given to the licensee of Station WMCA by registered mail and that public notice of said hearing be given by publishing in the office of the Secretary of the Commission and in the Federal Register.

Federal Communications Commission,
T. J. Slowie,
Secretary.

BROADCASTING LEGISLATION POSSIBLE IN SPECIAL SESSION

While the special session of Congress which convened Thursday was called to consider the Neutrality Law, it is not limited to that subject. If it chose, it could take up broadcasting or any other legislation. How pending broadcasting legislation stood when Congress reconvened in the special session can be found in NAB Reports of August 11, page 3655.

"Curtain Raiser" Plans Moving Forward

Advance reports reaching Headquarters from all parts of the country indicate wide participation by member stations in Curtain Raiser, the industry's own promotion for the week of September 24.

Especially noteworthy is the use being made of a variety of media to tell the story of radio. But even more significant is the expressed determination of station managers to continue the campaign long after the new fall and winter season is under way.

The objectives remain the same: an increase in the hours of listening; an increase in the number of listeners, and, more fundamental, the securing of widest public recognition of the fact that the American system of broadcasting must be maintained in the U. S. A.

In addition to broadcasts, station executives have scheduled speaking engagements for themselves and staff members. They are promoting radio service over the air and have placed displays in store windows, lobbies and in vacant stores. Billboards are also being used.

Newspapers, too, are included in Curtain Raiser promotion. In addition to publicity, advertising space is being utilized in amounts varying from a part column to a series of full pages in the Baltimore News-Post, by WBAL, and an entire special section in The Norfolk Ledger Dispatch by WTAR.

In other cities the promotion is taking the form of radio shows with displays of receiving sets and arrangements for the public to witness local broadcasts. The first complete report of this character comes from Charie Balthrope, KTSA, San Antonio. This promotion has everything: jobber and dealer tie-up; lobby set-displays; window cards; public invitations; special shows; visual broadcasting; give-aways and ballyhoo.

Transcription companies are cooperating actively in Curtain Raiser. C. P. Mac Gregor and World Broadcasting are both supplying their stations with a series of 15-minute programs with the American system of Broadcasting as central theme.

National Broadcasting Company, Chicago, has taken over the huge Merchandise Mart with radio displays. They appear in the Mart's main floor lobby and in NBC's lobby. Curtain Raiser announcements are being aired and included in WENR's Home Forum program. News of the event is to appear in the NBC column in the Chicago Daily News.

In Omaha, John J. Gillin, Jr., manager of the Woodmen of the World station, WOW, is working with the radio retailers for the installation of windows.

Norman Corwin has a thirty-minute Curtain Raiser show over Columbia Broadcasting System, September 29, 8:30-9:00 p. m., EST.

FREE OFFERS

Although radio facilities and station time are limited, broadcasters continue to be swamped with "free" programs, transcribed or script. Reputable, well-financed companies whose promotion ideas, obvious publicity efforts, or straight commercial plugs are only thinly disguised as public interest material, continue to rain down their "free offer" requests on member stations.

The NAB Bureau of Radio Advertising has advised the following companies of radio's position on such "free offers":

Angelus—Campfire Company (marshmallow)
Mademoiselle Magazine
The Parents Magazine
White Cross Company

Steve Hanagan, well-known high-pressure "publicist" is another seeker of free time, apparently, in this case, for the greater good and better interests of:

1. Paint manufacturers
2. Rug manufacturers
3. Wool insulating material.

Scripts or ideas on domestic science and homemaking, etc., which station may use "free of charge," seem to be the favorite cloak under which the above firms camouflage their efforts to obtain free air advertising.

The White Cross Company (anti-tobacco) is interested in cost-per-inquiry advertising and the Bureau has advised this company that such procedure is a violation of the NAB Code of Ethics.

RKO in a radiogram to the NAB suggested that members attempt to obtain the sponsorship of local theaters for the transcription of "Swiss Family Robinson" which RKO offered recently to broadcasters. In reply the NAB suggested that RKO cooperate in attempting to obtain local sponsorship.

BUREAU OF RADIO ADVERTISING TRADE STUDY NO. 1

Vol. 1, No. 1 of "Results from Radio" has been mailed this week to all member stations. As originally agreed, this first in the series of trade studies to be released by the Bureau for local sales use is on the subject of department stores.

NAB is anxious to have all members partake of the benefits of the Bureau's efforts. Stations who have not replied to previous requests are urged to notify the Bureau as to the exact number of trade studies and other promotional material they will need. 100% response from the membership will enable us to gauge the exact printed requirements for future studies, and thus add to the efficient operation of the Bureau. If you have not already sent in your order, please let us hear from you at once. Use the business reply card mailed to you with the Department Store study.

BROADCAST MEASUREMENTS

Measurements were made by experts of the Federal Communications Commission during the month of August of 708 stations, with 81 stations not measured.

Of this number, 645 stations had a maximum deviation within 0-10 cycles; 57 stations a maximum deviation of 11-25 cycles; and 6 stations with a maximum deviation within 26-50 cycles. No stations measured had a maximum deviation of over 50 cycles.

INTERNATIONAL AGREEMENT

On September 18, the President issued his proclamation of the Regional Radio Convention for Central America, Panama and the Canal Zone which was signed at the City of Guatemala on December 8, 1938, by plenipotentiaries of the United States of America in behalf of the Canal Zone, and by plenipoteniaries of Costa Rica, El Salvador, Guatemala, Honduras, with a reservation, Nicaragua and Panama. The Senate gave its advice and consent to the ratification of the Regional Radio Convention on July 21, 1939 and the President ratified it on August 11, 1939. The ratification of Guatemala was deposited with the Ministry of Foreign Relations of the Government of Guatemala, which is the depositary of the Convention and the ratifications, on May 10, 1939 and the ratification of the United States in behalf of the Canal Zone was deposited on September 8, 1939. Pursuant to a provision in the Convention it will become effective, as between the ratifying Governments, thirty days after the deposit of ratifications by two Governments, that is on October 8, 1939.

The regional radio conference held at Guatemala City November 24, 1938-December 8, 1938 resulted from recommendations made at the International Radio Conference, Cairo, 1938, and the regional convention is designed to afford more effective broadcasting facilities for the countries of Central America, Panama and the Canal Zone.

On September 18, also, the President issued his proclamation of the Revision of the General Radio Regulations annexed to the International Telecommunications Convention signed at Madrid on December 9, 1932, and the Final Protocol to the Revision of the General Radio Regulations, embracing reservations made by several Governments, which were signed at the International Radio Conference held at Cairo, Egypt, February 1 to April 9, 1938. The Senate gave its advice and consent to the ratification of the Revision of the General Radio Regulations and the Protocol on July 21, 1939, and the President ratified the instruments on August 11, 1939. In accordance with Article 7 of the Madrid International Telecommunications Convention of December 9, 1932, the Secretary of State notified the Bureau of the International Telecommunication Union at Bern, Switzerland, of the ratification of the United States on August 24, 1939, which notice had the effect of bringing the revised regulations and the protocol into force with respect to the United States.

Prior to being brought into force with respect to the United States the revised regulations and, with certain exceptions as indicated below, the final protocol, were put into force with respect to the following countries by notices given by the Governments of those countries to the Bureau of the International Telecommunication Union at Bern: Argentina; Australia, Belgium, including Belgian Congo and Ruanda-Urundi (not including protocol); Bulgaria (not including protocol); Czechoslovakia (not including protocol); Danzig; Denmark (not including protocol); Estonia; Germany; Great Britain; Hungary, Italy, including Italian East Africa and Italian Islands in the Aegean; Japan, including Chosen, Taiwan, Karafuto, Kwantung, and South Sea Islands under mandate; Lebanon; Libya; Morocco; Netherlands, including Netherlands Indies, Surinam and Curacao; Newfoundland; New Zealand (not including protocol); Poland; Portugal; Rumania; Spain, including Spanish colonies and possessions and Spanish Zone of Morocco; Switzerland (not including protocol); Syria; and Yugoslavia.

INTERNATIONAL BROADCAST STATIONS

September 15

Licensee and Location	*Call Letters*	*Frequencies (kc)*	*Power*	*Emission*
Columbia Broadcasting System, Inc., near Wayne, N. J.	WCBX	6120, 6170, 9650, 11830, 15270, 17830, 21570	10 kw	A3
The Crosley Corp., Mason, O.	WLWO	6060, 9590, 11870, 15270, 17760, 21650	10 kw 50 kw CP	A3
General Electric Co., South Schenectady, N. Y.......	WGEA	9550, 15330, 21500	25 kw	A3
General Electric Co., South Schenectady, N. Y........	WGEO	6190, 9530, 21590	100 kw	A3
General Electric Co., San Francisco, Calif.	KGEI	6190 9530, 15330	20 kw	A3
Isle of Dreams Broadcasting Corp., Miami, Fla........	WDJM	6040	5 kw	A3
National Broadcasting Co., Inc., Bound Brook, N. J...	WRCA	9670, 21630	35 kw	A3
National Broadcasting Co., Bound Brook, N. J........	WNBI	6100, 17780	35 kw	A3
WCAU Broadcasting Co., Newtown Square, Pa......	WCAB	6060, 9590, 15270, 21520, 25725	10 kw	A3
Westinghouse Electric and Manufacturing Co., Millis, Mass.	WBOS	9570	10 kw	A3
Westinghouse Electric and Manufacturing Co., Saxonburg, Pa.	WPIT	6140, 9570, 11870, 15210, 17780, 21540,	40 kw	A3
World Wide Broadcasting Corp., Scituate, Mass.....	WRUL	6040, 11730, 11790, 15130, 15250, 21460	20 kw	A3
World Wide Broadcasting Corp., Scituate, Mass......	WRUW	11730, 15130, 25600	20 kw	A3

w=watts
kw=kilowatts
C.P.=construction permit

FREE SPEECH

Little, Brown and Company has just published a book entitled *Free Speech and a Free Press,* by Giles J. Patterson, Jacksonville, Florida, Attorney. One chapter is devoted specifically to freedom of speech in radio although practically the entire book is pertinent.

CORRECTION

In the NAB Reports of July 15, 1939, page 3589, Resolution No. 10, concerning push button receiving sets, was erroneously reported as adopted by the NAB convention. The convention referred this resolution to the NAB Board of Directors.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, September 25. They are subject to change.

Monday, September 25

NEW—Union Broadcasting Co., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, **26500 kc.,** 500 watts, emission A3, unlimited, according to Rule 983(a).

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

Tuesday, September 26

KNEL—G. L. Burns, Brady, Tex.—Modification of license, **1500 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.,** 250 watts, daytime.

Wednesday, September 27

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—C. P., **1420 kc.,** 100 watts, 100 watts LS, unlimited time.

Thursday, September 28

Oral Argument Before the Commission

Report No. B-52:

KRSC—Radio Sales Corp., Seattle, Wash.—C. P., **1120 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 250 watts, unlimited time.

Report No. B-65:

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

Report No. B-70:

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—C. P., **1320 kc.,** 250 watts, unlimited time (DA night).

Report No. B-71:

NEW—Thumb Broadcasting Co., Brown City, Mich.—C. P., **880 kc.,** 1 KW, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

October 2

NEW—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Howton Radio Alarm Co., Seattle, Wash.—Permit for new special experimental station, **2414 kc.,** 12.5 watts, unlimited time, Pts. of Comm.: Portable within city limits of Seattle, Wash.

November 15

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—C. P., **1420 kc.,** 100 watts, specified hours.

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Hearing upon Order of Revocation of License of Station KUMA.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—WHEC, Inc., Rochester, N. Y.—Granted C. P. for new high frequency broadcast station to operate on frequency **42600 kc.,** experimentally, conditionally, 1 KW. Exact site to be determined at or near Rochester.

NEW—Bamberger Broadcasting Service, Inc., New York City.—Granted C. P. for new high frequency broadcast station to operate on frequency **43400 kc.,** experimentally, conditionally, 1 KW. Exact site to be determined in New York metropolitan area.

WMBC—Michigan Broadcasting Company, Detroit, Mich.—Granted modification of license to increase nighttime power from 100 to 250 watts, subject to compliance with Sec. 3.45; denied special authority to use present antenna.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

WHN and auxiliary, New York City; WIBA, Madison, Wis.; WICA, Ashtabula, Ohio; WISN and auxiliary, Milwaukee, Wis.; WJAS, Pittsburgh, Pa.; WJDX, Jackson, Miss.; WKST, New Castle, Pa.; WNAC, Boston, Mass.; WNBX, Springfield, Vt.; WNOX, Knoxville, Tenn.; WOL, Washington, D. C.; WOOD, Grand Rapids, Mich.; WORC, Worcester, Mass.; WRC, Washington, D. C.; WTCN, Minneapolis, Minn.; WTNJ, Trenton, N. J.; WTOC, Savannah, Ga.; WXYZ, Detroit; KTRH, Houston, Tex.; KDYL and auxiliary, Salt Lake City; KFOX, Long Beach, Calif.; KGBX, Springfield, Mo.; KRGV, Weslaco, Tex.; KYA and auxiliary, San Francisco; WAIR, Winston-Salem, N. C.; WDAY, Fargo, N. Dak.; WDEL, Wilmington, Del.; WFBR and auxiliary, Baltimore, Md.; WHIO, Dayton, Ohio.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted renewal of license for the period ending April 1, 1940.

WSPA—Voice of South Carolina, Spartanburg, S. C.—Granted renewal of license for the period ending April 1, 1940.

KGCA—Chas. W. Greenley, Decorah, Iowa.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken by the Commission upon pending applications for renewal of licenses of stations KGCA and KWLC and the pending application of Mason City Globe Gazette Co., KGLO.

KWLC—Luther College, Decorah, Iowa.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken by the Commission upon pending applications for renewal of licenses of stations KGCA and KWLC and the pending application of Mason City Globe Gazette Co., KGLO.

KLCN—Chas. Lee Lintzenich, Blytheville, Ark.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken by the Commission upon the pending application of licensee for renewal.

WCAM—City of Camden, Camden, N. J.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken by the Commission upon the pending application of licensee for renewal.

INCREASE IN POWER GRANTED

The following stations were granted modification of licenses authorizing increase in night power to 250 watts:

WJIM, Lansing, Mich.; WSAY, Rochester, N. Y.; KTEM, Temple, Tex.; WDAN, Danville, Ill.; WKAT, Miami Beach, Fla.; KNOW, Austin, Tex.; KRMC, Jamestown, N. Dak.; WIBM, Jackson, Mich.

MISCELLANEOUS

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 10 p. m., MST, on September 17, 24, October 1 and 8, in order to broadcast church services only.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 11 p. m., MST, September 15, 22 and 29, October 6 and 13, in order to broadcast the Roswell High School football games.

KDNT—Harwell V. Shepard, Denton, Tex.—Granted special temporary authority to operate from local sunset (September, 6:30 p. m., CST) to conclusion of football broadcasts on September 15, 22, 27, 29.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS September, 6:30 p. m.; October, 5:30 p. m., CST), for the period September 15 to 20 only, in order to broadcast various civic, charitable, religious, etc., programs of local interest from Mutual Broadcasting System.

WTMJ—The Journal Company, Milwaukee, Wis.—Granted petition to intervene in re the application of WROL, Knoxville, Tenn. (Docket 5715).

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted supplemental request for order to take depositions in re application in Docket 5323.

WEEU—Berks Broadcasting Co., Reading, Pa.—Granted petition to intervene in re the application of WHDH, Boston, Mass.

WCBS—WCBS, Inc., Springfield, Ill.—Granted petition to dismiss without prejudice application to change frequency and increase power.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Granted motion to take depositions in re application to increase power from 1 to 5 KW and time of operation from daytime to unlimited.

WLBZ—Maine Broadcasting Co., Bangor, Maine.—Granted petition to intervene only in re application of WABI, Bangor, Maine (Docket 5677). Counsel notes exception as to ruling on enlargement of issues.

The Moody Bible Institute Radio Station, Chicago, Ill.—Granted motion to amend application in Docket No. 5321, by substituting the name Moody Bible Institute of Chicago, for the present name of Moody Bible Institute Radio Station.

WBRC—Birmingham Broadcasting Co., Inc., Birmingham, Ala.—Granted motion to enlarge issues in re application of KMAC, San Antonio, Texas (Docket 5626) to (1) determine whether the operation of station KMAC as proposed will be in accordance with the Commission's plan of allocation and Standards of Good Engineering Practice, and (2) to determine how the granting of the above-entitled application will affect the pending application of WBRC (B3-ML-538).

WDBJ—Times-World Corp., Roanoke, Va.—Granted motion to enlarge issues in re application of KMAC, San Antonio, Tex. (Docket 5626) to (1) determine whether the operation of station KMAC as proposed will be in accordance with the Commission's plan of allocation and Standards of Good Engineering Practice, and (2) to determine how granting of the above-entitled application will affect the pending application of WDBJ (B2-ML-358).

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Granted petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., to change frequency and increase power.

NEW—William F. Huffman, Wisconsin Rapids, Wis.—Granted motion to allow amendment to application for new station so as to request **1310 kc.,** instead of **580 kc.,** and hearing scheduled for November 1, 1939, cancelled.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted authority to withdraw petition to intervene in re application of KSD, St. Louis, Mo.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted authority to withdraw petition to intervene in re application of KXOK, St. Louis, Mo.

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted authority to withdraw petition to intervene in re application of KWK, St. Louis, Mo.

KMAC—W. W. McAllister and Howard W. Davis, San Antonio, Tex.—Denied without prejudice with leave to file amended petition to intervene in re application of WSBT, South Bend, Ind.

KMAC—W. W. McAllister and Howard W. Davis, San Antonio, Tex.—Denied petition to intervene in re application of KABC, San Antonio, Tex.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate unlimited time with 1 KW in order to broadcast for the period September 17 to October 16, civic, educational, commercial, etc., programs, and international events of extreme local interest, both of local origin and from CBS.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4 to 5 p. m., CST, on September 20, 27 and October 4, in order to broadcast children's services.

KUMA—Albert H. Schermann, Flagstaff, Ariz., and E. B. Sturdivant, Yuma, Ariz.—Continued hearing now scheduled for September 25 until November 15, in re revocation of license of KUMA and application of Sturdivant for C. P. to establish a new station in Yuma.

WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS September, 6:30 p. m.; October, 5:30 p. m., CST), for the period September 15 to October 14, in order to broadcast civic, charitable, educational, etc., programs, and commercial programs of outstanding interest, and in order to carry programs of great local interest from MBS.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to rebroadcast Naval Observatory time signals received from radio station NAA/NSS over station WFMD for the period ending in no event later than 3 a. m. April 1, 1940.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Denied special temporary authority to operate unlimited time using 100 watts power only nighttime, for period September 17 to September 26, in order to broadcast war news bulletins of Transradio Press Service and overseas pickups and commentaries of MBS during evening hours.

W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W3XO on frequency **43200 kc.,** with 1 KW, for the period September 21 to October 20, to conduct frequency modulated tests on this frequency.

W2XOY-W2XDA—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test high frequency broadcast equipment on frequencies **39420, 39460, 39500** and **39540 kc.,** 50 watts, for period not to exceed 30 days, to conduct amplitude and frequency modulated experimental transmissions on these frequencies.

KRRV—Red River Valley Broadcasting Co., Inc., Sherman, Tex.—Ordered that petition of KRRV to reopen the record in re Docket 5386, application for C. P. to change frequency from **1310 kc.** to **880 kc.,** and power from 250 watts daytime to 1 KW unlimited time, and the motion of WKY Radiophone Co. and KGKO Broadcasting Co. to dismiss said petition, be set for oral argument on September 21, 1939, the date designated for oral argument on exceptions heretofore filed by KRRV to proposed decision of the Commission.

KGCA—Chas. Walter Greenley, Decorah, Iowa.—Retired to the closed files the application of KGCA requesting authority to use KELC's transmitter, which was granted subject to KWLC installing a new antenna.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to operate a 50-watt portable transmitter with 100-foot vertical antenna, on frequency **1360 kc.,** at the proposed location for station WSAI, for the period beginning September 17, 1939, to October 16, 1939, during the hours of 7 a. m. to 6 p. m., EST, in order to make a preliminary field survey of the proposed site.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Denied special temporary authority to operate unlimited time, using 100 watts power only nighttime, for the period September 17 to October 16, 1939, in order to broadcast evening Mutual Network programs and war news bulletins.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (September, 6:30 p. m., CST) to midnight on September 18, 19, 20, 21, 23, 25, 26, 27, 28, and 30, 1939, in order to broadcast European war crisis news, using 100 watts only.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate from 7:30 p. m. to completion of football game on September 15, 1939, and from 9 p. m., CST, to completion of football games on September 22 and 29, 1939, for football games only.

KAKH—The Oklahoma Network, Inc., Oklahoma City, Okla.—Granted special temporary authority to operate amateur radio station W5CLI as a relay broadcast station from 5:30 p. m. to 6:30 p. m., CST, instead of from 6:30 p. m. to 7:30 p. m., CST, on September 16, 1939, as authorized by the Commission's grant of September 11, 1939, in connection with the Cherokee Strip Celebration at Ponca City, Okla., transmitter to be operated with power less than 25 watts, frequencies to be selected from Section 4.23.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time on September 15, 22, 29, October 6 and 13, 1939, in order to broadcast high school football games only.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m. and October, 5:30 p. m., CST) to 10:30 p. m., CST, on September 22 and October 13 and 30, 1939, in order to broadcast high school football games only.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va. —Granted special temporary authority to operate from local sunset (October, 5:45 p. m. and November, 5 p. m., EST) to 6:30 p. m., EST, on October 7, 14, 21, 28, November 4, 1939, in order to broadcast football games only.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted license to cover C. P. for changes in equipment and increase in day power from 1 KW to 5 KW (operate 5 KW to local sunset at Eau Claire, 1 KW to local sunset at Abilene).

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted license to cover C. P. and modifications thereof for changes in frequency from **1190 kc.** to **890 kc.**; increase in power and time of operation from 250 watts, daytime, to 1 KW, unlimited time, employing DA system for nighttime operation.

W9XC—Central Broadcasting Co., Davenport, Iowa.—Granted modification of C. P. for extension of completion date for construction from September 18 to December 18, 1939.

WBAB—Press-Union Publishing Co., Atlantic City, N. J.—Granted modification of C. P. for approval of studio and transmitter sites, and installation of vertical radiator.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Twp. of Yarmouth, Mass.—Granted modification of C. P. for extension of completion date from September 24, 1939, to January 1, 1940.

WICA—WICA, Inc., Ashtabula, Ohio.—Granted modification of C. P. to make changes in authorized equipment and extend commencement date from 7-16-39 to 60 days after grant and completion date 90 days thereafter.

KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show, Provo, Utah.—Granted modification of C. P. for approval of transmitter and studio sites, and installation of vertical radiator.

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Granted modification of C. P. for approval of studio site, Samuels Hotel, and changes in authorized equipment.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted modification of C. P. to make changes in composite equipment.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of C. P. for extension of completion date from September 24, 1939, to November 24, 1939.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted C. P. to install a new transmitter.

KADB—Nichols and Warinner, Inc., Long Beach, Calif., Portable-Mobile.—Granted C. P. to install new equipment.

WEJP—National Broadcasting Co., Inc., Portable-Mobile, Cleveland, Ohio.—Granted license to cover C. P. to make changes in equipment and increase power to 50 watts, with frequencies as listed under Group E of Section 41.03(a) (relay broadcast station).

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted authority to determine operating power by direct measurement of antenna input; type of antenna—vertical radiator, height of vertical lead 185 feet, overall height 200 feet, ground consists of network on roof of building with edges of screen grounded to frame of building.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Sec. 3.54; type of antenna—vertical, height of vertical lead 179 feet above base insulator, direct ground.

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Granted authority to determine operating power by direct measurement of antenna input; type of antenna—"T", height of vertical lead 178 feet, length of flat top 179 feet, overall height 200 feet, direct ground.

NEW—The Louisville Times Co., Louisville, Ky.—Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station to be used to relay programs, where wire facilities are not available, to be broadcast over WHAS operating on **820 kc.**, power 50 KW, unlimited time; frequencies **30820, 33740, 35820** and **37980 kc.**, power 0.5 watt.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile. —Granted license to cover above C. P.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile. —Granted C. P. for new station to operate on **30820, 33740, 35820** and **37980 kc.**, power of 0.5 watt.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile. —Granted license to cover above C. P.

WEOB—Ashland Broadcasting Co., Inc., Ashland, Ky., Portable-Mobile.—Granted license to cover C. P. for new high frequency relay broadcast station using the frequencies in Group D of Sec. 41.03(a), 10 watts, unlimited time in accordance with Sections 41.01, 41.02(c), 41.03(b) and 41.05(b), to be used to relay programs where wire facilities are not available to be broadcast over Station WCMI.

WAIE—Joe L. Smith, Jr., Beckley, W. Va.—Granted license to cover C. P. for new low frequency relay broadcast station using frequency listed in Group A of Sec. 41.03(a), power 75 watts, unlimited time in accordance with Sec. 41.04, to operate under the provisions of Sections 41.01 and 41.02(c) to relay programs where wire facilities are not available to be broadcast over Station WJLS.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted license to cover C. P. for move of transmitter site locally, install new equipment and vertical radiator.

KSAM—Sam Houston Broadcasting Assn., Huntsville, Texas.—Granted license to cover C. P. to make change in equipment and increase in day power from 100 watts to 250 watts.

KOMA—KOMA, Inc., Oklahoma City, Okla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.

WWL—Loyola University, New Orleans, La.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Sec. 3.54; type of antenna—2 element directional, height of vertical lead 395 feet, overall height 400 feet, each tower loaded with 60 foot capacity top and 30 microhenry inductance at a point 60 feet below the top, so adjusted as to simulate a 190° tower; line of towers North-South spaced 135°, towers insulated; ground system 120 copper straps approximately ½ wave length long supplemented by 50 foot ground screen under each tower.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Granted license to cover C. P. for changes in composite equipment; increase in day power from 100 to 250 watts, and time of operation by adding hours from midnight to 6 a. m.

KBTC—State Capital Broadcasting Assn., Austin, Texas—Granted license to cover C. P. for new station to operate on **1120 kc.**, 1 KW, daytime (specified hours).

WHP—WHP, Inc., Harrisburg, Pa.—Granted license to cover C. P. for installation of new equipment and directional antenna system and increase in power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, employing DA system for nighttime operation.

WHP—WHP, Inc., Harrisburg, Pa.—Granted authority to determine operating power by direct measurement of antenna input; antenna current at common point of input—5.95 amperes for 1 KW. Antenna resistance at common point of input is 27.9 ohms for 1 KW. Antenna current—6.35 amperes for 5 KW. Antenna resistance—124 ohms for 5 KW.

WEGS—Donald A. Burton, Muncie, Ind., Portable-Mobile.—Granted C. P. to make changes in equipment of high frequency relay broadcast station.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted license to cover C. P. and modification thereof for new station to operate on **1200 kc.,** 100 watts daytime only.

KCKN—The KCKN Broadcasting Co., Kansas City, Kansas.—Granted license to cover C. P. for installation of new equipment.

APPLICATIONS FILED AT FCC

560 Kilocycles

KLZ—KLZ Broadcasting Co., Denver, Colo.—C. P. to install directional antenna for day and night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—C. P. to install new transmitter; make changes in antenna system; change frequency from **650 kc.** to **710 kc.;** increase power from 250 watts to 5 KW, 10 KW LS; change time from limited to unlimited time; and move transmitter from 2nd and Union Sts., Seattle, Wash., to site to be determined, near Seattle, Wash. Amended to request 10 KW power day and night.

680 Kilocycles

WPTF—WPTF Radio Company, Raleigh, N. C.—Construction permit to install new transmitter; increase power from 5 KW to 10 KW; increase hours of operation from limited to unlimited (using directional night). Amended to request 50 KW power and equipment changes, changes in directional antenna, and move transmitter to site near Morrisville, N. C.

880 Kilocycles

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Authority to install automatic frequency control.

930 Kilocycles

WDBJ—Times-World Corporation, Roanoke, Va.—Construction permit to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

980 Kilocycles

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Modification of C. P. (B2-P-2308) for new transmitter and move of transmitter, requesting further authority to install new transmitting equipment.

1200 Kilocycles

NEW—Paducah Broadcasting Company, Inc., Hopkinsville, Ky.—Construction permit for a new station on **1200 kc.,** 250 watts, unlimited time.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Authority to determine operating power by direct measurement of antenna power.

WDSM—WDSM, Inc., Superior, Wis.—Modification of C. P. (B4-P-770) as modified to extend completion date from 9-17-39 to 10-17-39.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—C. P. to make changes in equipment, increase power from 100 to 250 watts.

WJNO—WJNO, Inc., West Palm Beach, Fla.—License to cover C. P. (B3-P-2441) for new equipment.

KOOS—KOOS, Inc., Marshfield, Ore.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—License to cover C. P. (B2-P-241) as modified for new equipment, increase in power, changes in antenna and move of transmitter.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Modification of C. P. (B4-P-2367) for a new station, requesting approval of antenna and approval of studio and transmitter sites at 2nd and Burlington Ave., Hastings, Nebr.

1210 Kilocycles

KWJB—Sims Broadcasting Co. (Bartley T. Sims, Manager), Globe, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1240 Kilocycles

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—C. P. to install new equipment.

1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corporation, Fredericksburg, Va.—Authority to determine operating power by direct measurement of antenna power.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to change hours of operation by adding hours from 8 to 10 p. m. each night. Amended to request unlimited time and request 1 KW power day, facilities of WCAM and WCAP.

1300 Kilocycles

KFH—Radio Station KFH Co., Wichita, Kans.—Construction permit for increases in power from 1 KW, 5 KW LS, to 5 KW day and night, and install directional antenna for night use.

1310 Kilocycles

WFIG—J. Samuel Brody, Sumter, S. C.—Modification of C. P. (B3-P-2171) for approval of antenna, installation of new transmitter, approval of studio site at 39½ North Main St., Sumter, S. C., and transmitter site at Liberty St. at city line, Sumter, S. C.

WJPR—John R. Pepper, Greenville, Miss.—Modification of C. P. (B3-P-2312) for a new station, requesting approval of antenna, and transmitter site at State Road No. 1, at Levee, Greenville, Miss., and move studio from 808 Harvey St., to 110 North Shelby St., Greenville, Miss. Amended to give studio site as 109 South Poplar St., Greenville, Miss.

WJPR—John R. Pepper, Greenville, Miss.—Modification of C. P. (B3-P-2312) for new station, requesting approval of antenna, and transmitter site at State Road No. 1, at Levee, Greenville, Miss.; make changes in equipment. Amended to give studio site as 107 South Poplar St., Greenville, Miss.

1310 Kilocycles

KVIC—Radio Enterprises, Inc., Victoria, Texas.—Modification of C. P. (B3-P-2118) for a new station, requesting approval of antenna, install new transmitter, and approval of studio and transmitter site at north of Victoria, on U. S. Highway #77, Victoria, Texas.

1330 Kilocycles

WSAI—The Crosley Corp., Cincinnati, Ohio.—Construction permit to change power from 1 KW, 5 KW-LS, to 5 KW day and night, install directional antenna for night use, move transmitter from S. E. corner Warner & Chickasaw Sts., Cincinnati, Ohio, to Cincinnati, Ohio. Amended: Re: transmitter site.

1370 Kilocycles

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of C. P. (B4-P-2042) for a new station, requesting authority to install new transmitter, and approval of studio at R. F. D., Ft. Dodge, Iowa, and transmitter site at Ft. Dodge, Iowa.

WFTL—Tom M. Bryan, Ft. Lauderdale, Fla.—Modification of C. P. (B3-P-2330) for a new station, requesting approval of antenna and approval of transmitter and studio site at 2700 S. Andrews Ave., Ft. Lauderdale, Fla.

1400 Kilocycles

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Construction permit to move transmitter from 2568 Flatbush, Brooklyn, N. Y., to Provost and Huron Sts., Brooklyn, N. Y. Amended: Re: Antenna.

WVFW—Paramount Broadcasting Corporation, Brooklyn, N. Y.—License to cover C. P. (B1-P-918) for equipment changes.

1410 Kilocycles

WAAB—The Yankee Network, Inc., Boston, Mass.—Modification of license to increase night power of auxiliary transmitter from 500 watts to 1 KW.

1420 Kilocycles

KWBG—The Nation's Center Broadcasting Co., Hutchinson, Kans. —Construction permit for equipment changes; increase power from 100 watts to 250 watts; make changes in antenna system; and move transmitter from 101 East Avenue "A", Hutchinson, Kans., to outside city limits, near Hutchinson, Kans.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—C. P. to make changes in transmitting equipment and increase power from 100 to 250 watts.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—License to cover C. P. (B2-P-1727) for a new station.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Authority to determine operating power by direct measurement of antenna power.

WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1440 Kilocycles

KXYZ—Harris County Broadcast Co., Houston, Tex.—Construction permit to install new transmitter, directional antenna for night use, change frequency from **1440 kc.** to **710 kc.**, increase power from 1 KW to 10 KW, and move transmitter from Main and Rusk Sts., Houston, Tex., to near Highway No. 90, Dawes, Tex.

1460 Kilocycles

KSTP—National Battery Broadcasting Company, St. Paul, Minn.—Construction permit to install auxiliary transmitter at present site of main transmitter, using 1 KW power.

1490 Kilocycles

WCKY—L. B. Wilson, Inc., Covington, Ky.—Modification of license to move studio from Sixth and Madison Ave., Covington, Ky., to Gibson Hotel, Cincinnati, Ohio.

1500 Kilocycles

KPLT—North Texas Broadcasting Co., Paris, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KGKB—East Texas Broadcasting Company, Tyler, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Modification of C. P. (B3-P-2306) for new station, requesting changes in equipment, approval of transmitter and studio site at Brunswick, St. Simons Highway, Brunswick, Ga., and approval of antenna.

MISCELLANEOUS

WABE—Central New York Broadcasting Corporation, Syracuse, N. Y., Portable-Mobile.—License to cover C. P. (B1-PRY-186) for a new relay broadcast station.

WEHA—City of New York, Municipal Broadcasting System, area of New York.—License to utilize the equipment of relay station WASJ in lieu of authorized equipment and increase power from 8.5 to 25 watts.

W1XKB—Westinghouse Electric & Mfg. Co., East Springfield, Mass.—License to cover C. P. (B1-PHB-70) for new equipment and increase in power.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Modification of C. P. to extend date of completion from 10-29-39 to 4-29-40.

W1XSN—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—License to cover C. P. (B1-PHB-69) to move transmitter and install new equipment, increase power.

W1XG—General Television Corp., Boston, Mass.—Modification of license to change frequency from **42000-56000, 60000-86000 kc.** to **44000-50000 kc.**

NEW—Don Lee Broadcasting System, area of California.—C. P. for new relay broadcast station to employ frequency modulation to be operated in area of KHJ, California, on **133030, 134850, 136810** and **138630 kc.** (Group I), using 50 watts power, special emission.

WEJV—National Broadcasting Co., Inc., area of Chicago.—License to cover C. P. (B4-PRE-287) for installation of new equipment and decrease in power.

WEJX—National Broadcasting Co., Inc., area of Chicago.—License to cover C. P. (B4-PRE-288) for installation of new equipment and decrease in power.

NEW—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Construction permit for new relay broadcast station on **31220, 35620, 37020,** and **39260 kc.**, 10 watts power, A-3 emission.

KEIM—KTAR Broadcasting Co., Portable-Mobile.—Construction permit to make changes in equipment and increase power from 10 to 25 watts.

WENN—WPTF, Radio Co., Portable-Mobile.—Construction permit to make changes in equipment.

NEW—Farnsworth Television and Radio Corp., Fort Wayne, Ind. —C. P. for new television station located at 3700 E. Pontiac St., extended, Fort Wayne, Ind. (utilize aural equipment of W3XPF, Springfield, Pa.), on **66000-72000 kc.**, 1 KW power, A-3, A-5 and special emission.

NEW—Zenith Radio Corporation, Chicago, Ill.—Construction permit for new high frequency station located at 6001 Dickens Ave., Chicago, Ill., to be operated on **42800 kc.**, 5 KW power, A-3 and special emission, unlimited time.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Apex Oil Products Company—H. G. Hornibrook, trading as Apex Oil Products Company, 100-200 17th Ave., North, Minneapolis, was charged in a complaint with misleadingly representing a lubricating oil designated as "Film-X Motor Oil".

It is alleged that the respondent advertised that use of its oil will remove carbon from motors and will cause motors to wear less than one-tenth as much as motors lubricated with other oil, when such are not the facts. The complaint continues that there is no substantial difference in the wear of a motor in which the respondents' lubricating oil is used and the wear of a motor in which any high quality lubricating oil is used.

The complaint also charges that the use of assertions representing that the respondent's oil has several times the film strength of any other natural oil unduly exaggerates the importance of such property and conveys the erroneous meaning that other oils of less film strength are inferior to the respondent's oil. (3888)

Bauer & Black—See Kendall Company.

Electric Storage Battery Company, Philadelphia, and its subsidiary, Willard Storage Battery Company, Cleveland, were charged with unlawful acquisition of the capital stock of the Grant Storage Battery Company, Minneapolis, under a complaint. The complaint alleges violation of Section 7 of the Clayton Act which prohibits acquisition of the capital stock of another corporation where the effect may be to substantially lessen competition between the corporations, restrain trade or tend to create monopoly.

With the knowledge and at the instance of The Electric Storage Battery Company, the Willard Storage Battery Company, on or about December 31, 1938, allegedly acquired all of the outstanding capital stock of the Grant Storage Battery Company amounting to 900 shares of preferred stock at $100 a share, and 3,996 shares of common at about $263 a share, the par value having been $50 a share. The complaint alleged that since that time the Willard company continued to own the Grant Company's stock and the respondents controlled its corporate activities. The Willard Storage Battery Company, as of December 31, 1938, also owned all outstanding capital stock of the Willard Storage Battery Company of California, Los Angeles, according to the complaint.

One alleged effect of the acquisition was a substantial lessening of competition between the Grant company on the one hand, and the Electric and Willard companies and their California subsidiary, on the other. Further effects of the acquisition, according to the complaint, were restraint of interstate commerce and a tendency to create a monopoly in The Electric Storage Battery Company and its subsidiaries. (3892)

Fink & Co., Inc., 151 West 40th St., New York, was charged in a complaint with the dissemination of misleading representations in the sale of vitamin preparations designated as "Mi-Vit-Ine" and "Vi-Min-Ex," and of a facial cream designated as "Muriel Joan Beautifier."

According to the complaint, the respondent misleadingly represented Vi-Min-Ex and Mi-Vit-Ine as being competent treatments or effective remedies for constipation, low vitality, malnutrition, loss of appetite and weight, nervousness, anemia, colds, alcoholism, heart disease, paralysis, or other diseases, when such are not the facts. Representations that Mi-Vit-Ine will replace a vitamin deficiency were also alleged to be false, as were claims that Vi-Min-Ex and Mi-Vit-Ine supply all the essential vitamins and minerals required by the body. (3890)

Heifler & Jackson—In a complaint Rose Heifler and Fred Jackson, trading as Heifler and Jackson, 740 Bergen St., Brooklyn, N. Y., were charged with disseminating misleading representations in the sale of "Morgan's Pomade," a preparation for the treatment of the hair and scalp.

According to the complaint, the respondents misleadingly represented that their preparation is not a tint or dye; that its use causes gray hair to change its color without dyeing and will restore the original natural color to gray hair, and supplies to the hair shaft the materials in which gray hair is deficient, when such are not the facts. The respondents were further alleged to have falsely represented that the use of their preparation will prevent the hair from falling out; that "Morgan's Pomade" penetrates to the roots of the hair and nourishes the hair, and that it is a competent and effective cure, preventive, or remedy for dandruff. The complaint says that "Morgan's Pomade" is a lead and sulphur dye and only artificially dyes the exterior of the hair. (3893)

Johnson's Lixolene Company—In a complaint issued John C. Johnson, trading as Johnson's Lixolene Company, 4028 Hill Crest Drive, San Diego, was charged with the dissemination of misleading representations in the sale of a medicinal preparation designated as "Johnson's Lixolene".

It is alleged that the respondent represented his preparation as being a safe skin remedy, a reliable compound, an effective antiseptic, and a powerful germicide, and as an effective remedy or cure for eczema, acne, ringworm, psoriasis, dandruff, poison ivy, seborrhea or alopecia, when such were not the facts.

The respondent's claims that all eczemas and other diseases of the skin are caused by parasitic infection and should be treated by the local application of a mild germicide such as "Johnson's Lixolene," are alleged to be misleading. The complaint points out that not all skin ailments are caused by parasitic infection, many being the result of allergic conditions, and require treatment by a competent physician. (3887)

Kendall Company, trading as Bauer & Black, 2500 South Dearborn St., Chicago, was charged in a complaint with the dissemination of misleading representations in the sale of a cosmetic preparation now designated "Velure Vanishing Lotion" and formerly designated "Velure Lotion."

According to the complaint, the respondent misleadingly represented by means of periodical and radio advertisements that its preparation is a new and scientific discovery which, when applied to the hands, acts more quickly in softening and beautifying the skin than its competitors' products; that its preparation in all instances penetrates the skin and leaves no artificial coating or stickiness thereon; that it conserves and supplements the natural oils of the skin; that it has a bleaching or whitening effect and makes hands several shades lighter, and that it is more economical and effective in use than competitive hand lotions, when such were not the facts. The complaint points out that the respondent's preparation consists of ingredients lacking in substantial therapeutic value, and commonly found in competitive hand lotions. (3894)

National Numbering Machine Co., Inc.—A complaint has been issued against the National Numbering Machine Company, Inc., 1 Beekman St., New York, charging price discrimination in violation of the Robinson-Patman Act.

The complaint alleges that the respondent discriminated in price between different purchasers buying typographical numbering machines of like grade and quality by allowing to some of such purchasers lower prices than those granted to other of its purchasers competitively engaged one with the other in the resale of such machines to dealers and ultimate users. (3889)

Vendol Company—In a complaint David H. Fulton, trading as Vendol Company, 1 West Biddle St., Baltimore, was charged with disseminating misleading representations in periodical, circular and radio advertisements, concerning a medicinal preparation designated "Vendol."

According to the complaint, the respondent misleadingly advertised that his product is an effective treatment for constipation, stomach disorders, liver ailments, muscle, joint and body pains, rheumatism, dizziness, excess acidity, gas, cramps, skin disorders, stiffness, or declining health, when such are not the facts. The complaint further alleges that the respondent falsely advertises his product as being a tonic and an appetizer. In truth, the complaint continues, the therapeutic properties of Vendol are limited to that of a laxative with mild diuretic and anti-acid effects.

In certain of his advertising, it is charged, the respondent lists symptoms which are attributable to various diseases with the representation that his preparation will relieve or cure such symptoms if due to constipation. By this means the respondent allegedly represents that Vendol is an effective treatment for various disorders which are not in fact related to or connected with constipation and upon which Vendol will have no curative or therapeutic effect. (3895)

Willard Storage Battery Company—See Electric Storage Battery Company.

York Cone Company, 615-623 South Pine St., York, Pa., was charged in a complaint with the use of lottery schemes in the sale of its candy. According to the complaint, the respondent furnished dealers with push cards for use in the sale of its candy to ultimate consumers. (3891)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

America's Medicine and Nu-Mode Company—Harry S. Benham, trading as America's Medicine and Nu-Mode Company, 620 Orleans St., Chicago, has been ordered to discontinue the dissemination of misleading representations in the sale of medicinal preparations for the relief of delayed menstruation, such preparations being designated as "America's Medicine XX Compound," "Nu-Mode XX Compound" and "Kotess Periodic Relief Compound," and "America's Medicine XXX Compound," "Nu-Mode XXX Compound" and "Kotess Periodic Relief Compound."

Under the order, the respondent is to discontinue advertising that the use of the preparations constitutes a safe, competent and scientific treatment for delayed menstruation and will have no ill effects upon the user. The respondent is also prohibited from disseminating advertisements which fail to reveal that the use of the preparations may result in serious or irreparable injury to the health of the user. (3851)

Floracube Company, Inc.—Eugene H. Hunter and Rae LaMarr Hunter, trading as The Floracube Company, Inc., 2133 Sunset Boulevard, Los Angeles, has been ordered to discontinue misleading representations in the sale of a medicinal preparation designated as "Floracubes."

Finding that "Floracubes" is nothing more than a laxative or purgative depending upon the amount ingested, the Commission ordered the respondents to cease representing that their preparation has any therapeutic value other than as a palliative in the treatment of constipation, or that it is a cure or remedy for any disease, disorder or malady, or that it will rid the body of the causes of such ailments and conditions.

The order prohibited specific representation that the respondents' preparation is a cure or remedy for colitis, overacidity, food decay within the body, rheumatism, arthritis and other ailments. (3284)

Paul Hartmann Agency—See Sterling Products Corporation.

Sterling Products Corporation, trading under its own name and as Paul Hartmann Agency, 36 East 22nd St., New York, was ordered to discontinue misleading representations in the sale and distribution of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies.

Under the order, the respondent is prohibited from representing that its competitors' domestic made ethyl chloride tubes, ethyl chloride, or any other of their merchandise, were made in whole or in part in a foreign country. The respondent was further prohibited from representing that it was closing out its stock of foreign-made surgical instruments, when such was not a fact.

Further representations to be discontinued were that the respondent deals only in surgical instruments manufactured wholly in the United States, when it actually fills orders for surgical instruments manufactured in whole or in part in a foreign country. (2779)

Zelle Company—Leland F. Benham, trading as The Zelle Company, 620 Orleans St., Chicago, was ordered to discontinue disseminating misleading representations in the sale of "Zellets No. 1" and "Zellets No. 2," described as medicinal preparations for the relief of delayed menstruation.

The respondent was ordered to cease advertising that his preparations constitute safe, competent and scientific treatments for delayed menstruation, or that their use will have no ill effects upon the user. The respondent was also ordered to discontinue advertisements which fail to reveal that the use of his preparations may result in serious or irreparable injury to the health of the user. (3854)

STIPULATIONS

The Commission has entered into the following stipulations:

Cre-O-Tox Chemical Products Company—Verne D. Benedict and Maurice S. Kuhn, trading as Cre-O-Tox Chemical Products Company, 1579 Madison Ave., Memphis, Tenn., agreed to cease representing that by the use of "Cre-O-Tox A," a treatment for timbers in buildings which may be infested with subterranean termites, or by use of the "Tox-Eol" method, or any similar product or method, termites in the ground as well as those in the building are, without qualification exterminated. The respondents will also discontinue representing that their method is "not a temporary control method but complete extermination" or has "lasting results." They also agreed to cease making claims that the chemicals used in their product are given the highest rating in the International Termite Exposure Tests of many years duration, or that their product or method is the result of many years of patient and time-taking experience on the part of the Cre-O-Tox Chemical Products Company, when such are not the facts. It was also agreed that the respondents will discontinue representing that the property owner is completely protected by a "5 Year Warranty Bond" or by any "Bond" unless that is a fact, or that the oils used in the "Tox-Eol" systems are of great penetrating power which carry the chemicals deep into the wood. (2533)

Floredex Company—Harold T. Maloney, trading as Floradex Company, successor of Nu-Health Products Company, 178 East Long St., Columbus, Ohio, agreed to cease representing that his preparation, "Floradex" advertised as a treatment for constipation, is marvelous or new; will keep a person from being sick; will restore or build health; will enable one to gain vim and vigor, or that it is beneficial in removing the cause of most common ailments. The respondent further agreed to cease representing that constipation is the factor behind most human ills and ailments, and to discontinue using the word "Food," or any similar words, so as to imply that his preparation has any food value.

This stipulation is supplemental to, but does not affect, the stipulation (No. 01944) executed in November, 1937, by Harold T. Maloney and John C. O'Neil, trading as Nu-Health Products Company and selling the same product under the trade name of "Floradex." (01944)

Mead Glidders—T. E. Mead, trading as Mead Gliders, 15 South Market St., Chicago, stipulated that he will cease advertising that the paddle or the oars and rowlocks offered by him to the purchaser of a "Ki-Yak" or other boat is given free, or that their cost is not included, either in whole or in part, in the price of his product, when such are not the facts. The respondent will also discontinue claims that the paddle which accompanies the "Ki-Yak" is a $6 value, or that the offer of the paddle or of the oars and rowlocks is either "special" or "introductory," or limited in time, when such are not the facts. (2532)

Mid-West Map Co., Aurora, Mo., agreed to cease representing that its cigar lighter and advertisement display device, Lite-O-Phone, is absolutely trouble free, or is the first perfect cigar lighter. The respondent will further cease representing that agents are able to earn sums in excess of those consistently made by a substantial number of its representatives under normal conditions; that agents without previous selling experience cannot fail to sell its products, or that there is an unlimited field and great demand for its products. (02424)

Minnesota Horticultural Peat & Litter Company—Thomas W. Dunlop, trading as Minnesota Horticultural Peat & Litter Company, 650 Second Ave., North, Minneapolis, stipulated that he will discontinue claims that "Gro-Zum," a garden peat moss, is of the same texture or analysis as that of peat moss produced in and imported from Germany; that it has been officially approved or indorsed by the University of Minnesota or other State universities; that the moisture-holding or water-retaining properties of German peat moss are destroyed as a result of the drying and packing under pressure to which such peat moss is subjected, or that, because of its alleged higher content of nitrogenous material, "Gro-Zum" has any more appreciable availability for growing plants than has the competitive imported German product, when such are not the facts. (2534)

Fred W. Neely Company—Fred W. Neely, trading as Fred W. Neely Company, 508 South Dearborn St., Chicago, entered into a stipulation in which he agreed to cease certain misleading representations in violation of the Federal Trade Commission Act.

The respondent stipulated that in connection with his sale and distribution of typewriter ribbons and carbon paper, he will discontinue representing that he has branch offices or establishments in New York, Brooklyn or elsewhere unless that is a fact. The stipulation points out that the respondent shipped his products in interstate commerce in boxes on which were imprinted the words: "Branches New York City, Chicago, Brooklyn," when in fact he operated no branches in New York or Brooklyn but conducted his business solely from his office in Chicago. (2537)

W. C. Ohlendorf, trading as Dr. Ohlendorf, 1924 Blue Island Ave., Chicago, stipulated that he will cease representing that "Dr. Ohlendorf's Tonic" is a competent treatment for the relief of weak, nervous, run-down conditions, sluggish kidneys, irritated bladder, backache, rheumatism, neuritis, diabetes, catarrh of the bladder and bowels, or poor blood circulation. The respondent also agreed to discontinue claims that his tonic is a diuretic and will in all conditions enrich the blood and increase its circulation, or that the price charged for his product is a special price. (02428)

Pacific Bedding Company, 710 East 62nd St., Los Angeles, agreed to cease placing on its mattresses price marks which are higher than the prices at which they are intended to be sold to the purchasing public. The respondent also will discontinue using any fictitious price mark-ups or representations which may convey the belief to purchasers that such mattresses have a value or quality which they do not in fact possess. (2536)

Raymond Powell Company—C. Raymond Powell, trading as Raymond Powell Company, an advertising agency, Memphis, Tenn., has entered into a stipulation to cease and desist from disseminating false and misleading claims concerning "Blue Star Ointment," a medicinal preparation alleged to be effective for the relief of various skin affections.

This is the first stipulation entered into by an advertising agency pursuant to a recent order of the Commission that such agencies be included with vendor-advertisers where inquiries have developed the fact that false and misleading advertising has been placed through advertising agencies.

In the stipulation the respondent admits that in the course and conduct of his business he has disseminated, by United States mails and in commerce, certain advertisements for the purpose of inducing the purchase of the commodity. The respondent also admits, upon competent evidence and in accordance with written admissions of the distributor of the preparation, that "Blue Star Ointment" will not give permanent or prolonged relief from conditions described, and does not reach or relieve their causes. The ointment was advertised to "put a stop to itching torture of eczema, rash, tetter, ringworm, pimples, scabies, between the toes, etc."

The stipulation was entered into by the advertising agency under the Commission ruling that advertising agencies be offered the privilege of signing an independent stipulation and agreement to cease and desist from further dissemination of false advertising copy when it has not been intentionally done. (02429)

Proctor & Gamble Co., Cincinnati, Ohio, stipulated that it will cease representing that its product "Chipso" is safer for the hands than all other laundry soaps or, without justifiable qualification, that it is as safe for the hands as toilet soap; that the detergent action of "Chipso" is substantially different from that of all other soaps; that it is the only soap producing "shampoo" action or employing a "suction" principle, or that either of such actions is new. The respondent further agreed to cease representing that "Chipso" is unqualifiedly safe for all materials; that it will never weaken threads, or that "Chipso" in and of itself, protects the clothes from washtub wear and tear. Other representations to be discontinued are that laboratory tests establish "Chipso" as being superior to every other packaged soap for restoring whiteness to clothing, or that "Chipso" is made especially for any particular locality, when such is not a fact. (02423)

Seaboard Pencil Company—Herbert Hein, trading as Seaboard Pencil Company, 245 Seventh Ave., New York, agreed to cease representing that pencils sold by him are offered at regular factory prices, or that his customer buys direct from the factory, or saves the middleman's profit by dealing with Hein, when such are not the facts. The respondent will also cease representing that his pencils are made in the factory supplying the world's largest pencil users unless such statements shall have been established by adequate proof. Further representations to be discontinued are that Hein is associated with any pencil factory, when such is not a fact, or that he is other than a dealer in such products. (2535)

Herbert A. Strong Tailoring Company, 2226 West Wabansia Ave., Chicago, agreed to cease representing as "wool," " all wool," or "woolen," the principal fabrics used in the manufacture of its clothing when it is made partly of wool and partly of cotton, silk, rayon, linen, or any other fiber, unless the clothing is designated as "wool and cotton," "wool and silk," "wool and rayon," or "wool and linen,' etc., in the order of the predominating fiber content. The respondent also agreed to cease representing that any fibers contained in its product are silk, when they are in truth rayon or some fiber other than silk. (02427)

V. & R. Manufacturing Company—A. A. Haines and Amalia G. Haines, trading as V. & R. Manufacturing Co. and V. & R. Electro Mfg. Co., Detroit Lakes, Minn., stipulated that they will cease representing that the "V. & R. Aerial Eliminator" is a "new" device, or materially different from other similar devices now on the market; is equivalent to a 75-foot aerial in 4-inch attachment; is guaranteed to make outside aerials unnecessary, or will give international or all wave radio reception. The respondents also agreed to discontinue claims that their aerial eliminator is a "Hi-Capacity" device; produces better tone, improved volume or sharper selectivity, or helps reduce static. (02426)

Washington School of Art, Inc.—Wallace Luchs, Sr., Sylvan J. Luchs and Ernestine F. Luchs, trading as Washington School of Art, Inc., Washington, D. C., stipulated that they will cease representing that the person purchasing their correspondence course of instruction has hidden talent or has the ability to make a career in art; that one may begin a career as an artist by the payment of $3, or that ability is a matter of training. The respondents will further discontinue representations that persons taking their advertising sellers' course of instruction in commercial art can make profits in excess of those made consistently by their active graduates under normal business conditions. It was also agreed that where a qualifying word or phrase is used in connection with a specific claim of earnings, the respondents will make such phrases as clear as the claims which they purport to limit or qualify. (02425)

FTC CLOSES CASE

The Federal Trade Commission closed its case against the now-dissolved corporation, Heller & Newman, Inc., 250 West 39th St., New York. In July, 1939, the Commission issued a complaint against the respondent alleging misleading representation through the labeling of garments with the legend "Harris Tweed," when they were not made of genuine "Harris Tweed."

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 39, September 29, 1939

The Code in Effect October 1

(A Statement by Neville Miller)

I am gratified to report well nigh industry-wide support of the new NAB Code which becomes effective October 1.

In accordance with instructions of the Board, I have appointed a Code Compliance Committee—the Committee of Audience Relations. I am glad to report that Edgar Bill, WMBD, Peoria, Illinois, has agreed to serve as chairman. The Committee is representative of a cross-section of both the industry and of the country. We feel it is more than competent to represent every type of radio station and interest as well as the problems of the industry as a whole.

Mr. Bill has called the first meeting of the Committee for this coming Monday, October 2, at Headquarters in Washington.

This will be a highly important meeting, important to the future of your station and to the future of the entire American System of Broadcasting. We believe that each section of the Code is well understood by most members of the industry. Following its meeting, the Code Committee will issue a Code manual which will contain specific answers to specific problems which have already been presented for ruling. As more of these interpretations are made from time to time, they will be sent to you immediately. The Code manual itself will be in loose-leaf binder form so that you may arrange reports from the Committee under the particular section of the Code applicable.

We feel you will find the interpretations of the Committee to be fair decisions, honestly arrived at, and in conformity with the letter and spirit of the Code passed by the Convention in Atlantic City last July.

In its deliberations, I can assure this industry and the listening public that the Code Committee is concerned with fundamental principles only and not with personalities. The Code represents almost a year's constant deliberation of every conceivable problem affecting the operation of radio in both the social and economic life of our nation. Adherence to the Code means to the individual radio station operator a better long-pull investment and to the American home gives another reason for inviting the NAB station as a preferred guest in its living room. I am convinced that in the Code we find an admixture of the best interests of the radio industry and of the public interest of the American people. The two are inseparable. This is the essence of self-regulation as we know it

(Continued on page 3742)

NAB Reports

THE NATIONAL ASSOCIATION OF BROADCASTERS

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THE CODE IN EFFECT OCTOBER 1

(Continued from page 3741)

in our American democracy. And this is the purpose of the NAB Code.

The Committee of Audience Relations (Code Compliance Committee): Chairman—Edgar Bill, WMBD, Peoria, Illinois; Martin Campbell, WFAA, Dallas, Tex.; Walter J. Damm, WTMJ, Milwaukee, Wisc.; Edward Cargill, WMAZ, Macon, Georgia; Earl J. Glade, KSL, Salt Lake City, Utah; Edward Klauber, Columbia Broadcasting System; Don Searle, KOIL, Omaha, Nebraska; Calvin J. Smith, KFAC, Los Angeles, California; Theodore Streibert, Mutual Broadcasting System; Niles Trammell, National Broadcasting Company; E. M. Kirby, NAB, Washington, Secretary.

WMCA Hearing

The FCC held a hearing Wednesday on its charge that Station WMCA, New York City, had violated Section 605 of the Communications Act of 1934 by interception and broadcast of secret German and British naval orders.

In an affidavit answering the Commission's charge WMCA denied any illegality and pointed out that all war news broadcast over the station was obtained from the International News Service, the New York *Herald Tribune* and the New York *Daily Mirror.*

Stanley Wolf, chief radio operator for the New York *Herald Tribune,* was the Commission's first witness at Wednesday's hearing.

Wolf testified that he and the four operators under him picked up, for the *Tribune,* government news broadcasts from abroad.

WMCA had an arrangement with the *Tribune,* he testified, to obtain from the *Tribune's* radio department important news received and this arrangement was made during August of this year. A similar arrangement prevailed during the Munich crisis.

Wolf said that Station DLE, a German government station, interrupted an English news broadcast the evening of August 27 to send a message addressed to all German ships, in German. This was followed by three German words, "Nach Sonderanweisung Handeln." Wolf said he called WMCA and gave the station this message. He also sent it to the editorial rooms of the *Herald Tribune.* A later check with both the editorial rooms and WMCA, he said, showed that this was translated as "upon receipt of this transmission, act upon your special secret instructions."

Two days later, Wolf said, he was listening to an official news broadcast from Station GPR, British government station, when it interrupted the news broadcast by saying, "Here admiralty message." Instructions to all British ships then were broadcast. This, like the German message, was passed on to both the *Herald Tribune* editorial room and WMCA.

After Wolf's testimony, an FCC official said that DLE was registered at Berne as a fixed station and GBR as a land station. This official said he assumed both were in point-to-point service.

The Commission refused to allow Donald Flamm, WMCA president, to read a prepared statement about the case. Flamm explained that WMCA had added the *Herald Tribune* service to its normal news service to obtain official broadcasts, news prepared by *Herald Tribune* staff writers abroad and news bulletins from foreign stations. He then turned to the trade press advertisement which WMCA had prepared. These reprinted parts of two New York gossip columns which said that WMCA's important news scoops had resulted from decoding secret messages. Mr. Flamm denied that these columns were "inspired" and said WMCA at no time had in its employ a code expert. There was no interception at the station and no payment to anyone other than the *Herald Tribune,* he said. Asked if the information in the columns was true, as a whole, Mr. Flamm said it was not. There was a long debate between Mr. Flamm and Commissioners about the amount of the material in the columns that was true.

Leon Goldstein, special events director for WMCA, next on the stand, described in detail the arrangements for the *Herald Tribune* service. He then was questioned extensively about the trade press advertisement. He admitted, under close questioning, that he knew parts of the gossip columns were inaccurate when he used them in the ad and was lectured extensively about the "responsibility" that a broadcast licensee shoulders.

After the luncheon recess, the Commission again questioned Goldstein extensively. Whether the messages were news or plain intercepted messages and whether WMCA had obtained from the *Tribune* a "story" about the messages or just intercepted messages were among the points at issue.

William Weisman, vice president and general counsel of WMCA, was the final witness. He and William Dempsey, FCC general counsel, engaged in a long debate about whether WMCA's answer to the Commission's original charge was complete.

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FCC SUSPENDS INDEFINITELY INTERNATIONAL RULE

The FCC this week suspended indefinitely the rule requiring international broadcast stations to send out only programs which would promote "international goodwill, understanding and cooperation."

Opposed by the NAB as a step toward censorship of domestic programs, the rule was suspended temporarily after a hearing. This week, the FCC adopted the following resolution:

> WHEREAS, on May 23, 1939, the Commission adopted Rule No. 42.03(a) having to do with the conduct of international broadcast stations, which rule was thereafter suspended pending further investigation, and
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> WHEREAS, the outbreak of the European war has injected into the problem of international broadcast regulations various additional significant factors, and
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> WHEREAS, on September 6, 1939, this Commission appointed a committee composed of Chairman Fly, Commissioner Brown and Commissioner Craven to study the various phases of the communications problem in relation to current war conditions, to maintain contact with the various Government agencies and the industry and to report to the Commission its recommendations, which committee has made studies and held various conferences on the problems in relation to international broadcasting,
>
> THEREFORE, BE IT RESOLVED, That said rule is hereby further suspended pending the conclusion of said studies and conferences and subject to the report of said committee recommending to the Commission such further action as it may deem appropriate.

"RADIO GUIDE" UNDERTAKES SONG CONTEST FOR BROADCASTING

In cooperation with Davis and Schwegler, Inc., tax-free music publishers, *Radio Guide* Magazine is undertaking a "National Song Search" to discover new authors and composers in three fields of music: popular, semi-classical and sacred music.

Attention of broadcasters has been drawn to the contest because of its immediate value in determining the extent and quality of undiscovered sources of useable new music, independent of ASCAP affiliation.

While the selection of winners in the sacred music and semi-classical sections will be announced on December 30 and January 6 respectively, the last dates for entries in the weekly contest for new popular music begin at once, the first one closing as of October 7. Two hundred dollars in cash is offered the winner of each weekly contest. Quoting from *Radio Guide,* the prizes are as follows:

PRIZES

The greatest first prize ever offered an unknown songwriter. The winner of each contest will receive:

1. $200 in cash.
2. The regular song-writer's contract with the great Los Angeles music-publishing firm, Davis-Schwegler, providing for royalties on all sheet music and other sales.
3. Immediate publication and distribution as sheet music.
4. Immediate recording and distribution as phonograph record.
5. Inclusion of the winning song in regular Davis-Schwegler Library Service to radio stations from Coast to Coast.

Consolation Prizes

The next five song-writers selected will receive $10 each in cash.

Honorable Mentions

The next six song-writers will be given Honorable Mention Certificates.

As the music is received, title, lyrics and score will be searched by the Davis and Schwegler staff. Following this, selections will be made to a professional judging committee, headed each week in the popular field by name-band orchestra leaders and prominent radio singers and musicians. This week's issue announces that the committee in the second week's contest will be headed by Kay Kyser and Ginny Simms. The sheet music will be made available to all radio stations and networks, for performance. Davis and Schwegler will include the winning selections in their transcription service and on their records. *Radio Guide* informs Headquarters that network performance opportunities have been arranged through connection with commercially sponsored leaders in the popular field. Other exploitation of the new music on individual stations has also been arranged, through station tie-ups with the magazine.

Headquarters feels that the contest and the subsequent radio performance of the new music will furnish helpful information about the music problem.

FREE OFFERS

The following companies were reported by member stations as seeking free time for commercial purposes, in violation of the NAB Code of Ethics:

American Road Builders Association
The Spool Cotton Company
B'rer Rabbit Molasses
The Woman Magazine

The Bureau of Radio Advertising has advised the above concerns that their proposals constitute "free offers," which the NAB Code of Ethics prohibits member stations from accepting. Stations are again urged to make every effort to convert these free offer requests into paid advertising, either through solicitation of local outlets or direct to the national organization. The Bureau of Advertising is making similar efforts wherever possible.

COST-PER-INQUIRY

The following concerns have recently sought to place business on member stations on a contingent basis:

Dorland International Agency (on behalf of Poya)
Popular Music Instruction Company (piano course)

The NAB Bureau of Radio Advertising has advised these concerns that the Code of Ethics prohibits stations from accepting business on a contingent or cost-per-inquiry basis and has suggested that they buy time at the stations' regular rates.

THE FOOD COUNCIL

The NAB suggests that member stations receiving proposals from the Food Council, 308 Fourth Avenue, New York City, to broadcast scripts or transcriptions free of charge communicate with NAB Headquarters before accepting same or committing themselves with advertisers who may wish to sponsor these programs.

CROWELL-COLLIER PUBLISHING COMPANY

NAB has discussed with the Crowell-Collier Publishing Company the "Voice of Industry" programs which the company proposes to have stations broadcast as part of a campaign to humanize industry and explain advertising to the public. Crowell-Collier has agreed to waive mention of the four magazines they publish in the closing announcement of these transcriptions, thus allowing stations who wish to run this series to fade out the closing credit and substitute their own with whatever wording is considered most fitting.

CLINE, WLS, HEADS NAB SALES MANAGERS COMMITTEE

Neville Miller this week appointed William R. Cline, Commercial Manager of WLS, Chicago, as chairman of the Sales Managers' Committee, succeeding Craig Lawrence, KSO, Des Moines. In confirming Mr. Cline's appointment, Neville Miller, NAB president, outlined the reorganization plans intended to further the efficient operation of the Sales Managers' division, under the direction of the NAB Board of Directors.

An Executive Committee will be appointed from the Sales Managers' Division to meet regularly and work in cooperation with the Bureau of Radio Advertising and Headquarters' staff in developing a sales and promotion program on behalf of all member stations. Under the reorganization plan, it is expected that district directors will appoint representatives to the Sales Managers' Committee and that all activity of the Committee in each district will be centered under the Director.

"CURTAIN RAISER" HISTORY

A pictorial history of Curtain Raiser as observed throughout the United States during the week of Sept. 24 and thereafter is to be published by NAB. It will be distributed to advertisers, agencies, members and others.

The receipt of photographs and copy will be appreciated at headquarters at the early convenience of members.

OCTOBER EVENTS

October 8-14	—Fire Prevention Week National Candy Week
October 9	—Canadian Thanksgiving Day
October 10-20	—Picture Week
October 12	—Columbus Day (celebrating discovery of America, 1492)
October 14	—Sweetest Day—Last day of Candy Week William Penn born 1644
October 15-21	—National Business Show in New York
October 22-28	—National Pharmacy Week
October 27	—Navy Day Theodore Roosevelt born 1858 First World War shot fired by American troops, 1917
October 28	—Anniversary of freedom of U. S. Press, 1753
Oct. 29-Nov. 6	—Girl Scout Week (birthday of Juliette Low, founder of Girl Scouts)
October 31	—Hallowe'en
Oct. 31-Nov. 5	—National Apple Week

Note: National Retail Grocers Week will be held some time this month. Check your local stores for dates.

NEBRASKA-ASCAP SUIT TRIED

The trial of Buck, et al., v. Swanson, et al., took place in Lincoln, Nebraska, on September 18 to 21, inclusive, before a specially constituted three judge Federal court presided over by Judge Gardner of the Circuit Court of Appeals for that district. ASCAP brought suit against the Nebraska state officials and county attorneys to enjoin prosecutions under the Nebraska Copyright Monopoly Statute, adopted by the Legislature in 1937, on the grounds that the statute is unconstitutional. Many provisions of the state law are believed by attorneys to be beyond the power of the state legislature but it is contended that the monopoly section prohibiting price fixing by combination of copyright owners is within the police power of the legislature.

Testimony was introduced by ASCAP who produced as witnesses, among others, Gene Buck, president of ASCAP; Claude Mills, Chairman of the Administrative Committee; and John Paine, general manager. They testified primarily to the history of ASCAP, to the efforts of users to hamper their operations, and to their alleged inability to operate under the Nebraska statute.

The defendant state officials introduced testimony tending to show ASCAP's method of operation in the State of Nebraska and to bring out the monopoly power concentrated in the Society through its publisher membership. Among the witnesses called by the state officials were John J. Gillin, Jr., manager of WOW, and Don Searle, manager of KFAB-KOIL-KFOR. Mr. Gillin testified in detail as to ASCAP's licensing method with respect to radio stations, the discriminatory character of the licenses issued to commercial stations and those issued to newspaper owned stations and the inability of his station to continue operation without acceding to ASCAP's demands. Mr. Gillin's testimony was corroborated by Mr. Searle.

A decision by the Court is not expected for some time. ASCAP was represented by L. J. TePoel, Louis D. Frohlich and Herman Finkelstein. The state officials were represented by John L. Riddell, Chief Assistant Attorney-General, William J. Hotz and Andrew W. Bennett.

LABOR NOTES

The actors' row which for a time threatened to make trouble for broadcasting has been settled by agreement with the following results:

The American Federation of Actors is out of business and Ralph Whitehead, its executive secretary, is out of a job.

The American Guild of Variety Artists has succeeded the American Federation of Actors as the A. F. of L. union for vaudeville and night club performers.

The American Federation of Radio Artists now has the same exchange arrangement with AGVA as it used to have with AFA.

The Screen Artists Guild made peace with the International Alliance of Theatrical Employees and Motion Picture Operators, withdrew its support of the United Studio Technicians—and the IA beat the UST in an election at the Hollywood studios.

Sophie Tucker is now in good standing with the AGVA.

It all amounts to *status quo ante bellum,* excepting for Ralph Whitehead's job.

The New York papers report a fight between the A. F. of M. and ASCAP over the latter's music festival plans. ASCAP, it is reported, hired the Boston Symphony for the festival, to start October 2. The Boston Symphony is the only major non-union symphony orchestra, and the A. F. of M. threatened to refuse to allow union musicians to take part in the festival if non-union musicians appeared. The papers say ASCAP substituted the New York Philharmonic for the Boston Symphony because of this threat.

After October 24, the Wage and Hour Act requires payment of time and one-half for overtime above 42 hours a week to all covered employees in the broadcasting industry. The NAB labor relations department will be glad to answer any questions about the change.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 2. They are subject to change.

Monday, October 2

NEW—George Penn Foster, Maxwell Kelch and Calvert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Howton Radio Alarm Co., Seattle, Wash.—Permit for new special experimental station, **2414 kc.,** 12.5 watts, unlimited time. Pts. of Comm.: Portable within city limits of Seattle, Wash.

Tuesday, October 3

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Renewal of license, **1370 kc.,** 50 watts, specified hours.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license, **1370 kc.,** 100 watts, 250 watts LS, unlimited time (requests facilities of WSVS). Present assignment: **1370 kc.,** 100 watts, 250 watts LS. Time: All hours except those WSVS operates.

Wednesday, October 4

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.,** 1 KW, unlimited time (DA night).

Thursday, October 5

Oral Argument Before the Commission

Report No. B-62:

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Report No. B-68:

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., **880 kc.,** 250 watts, unlimited time. Present assignment: **1370 kc.,** 250 watts, daytime.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—C. P., **880 kc.,** 500 watts, unlimited time (DA day and night).

Report No. B-73:

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

November 2

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., **620 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit programs from station WXYZ to the stations of the Canadian Broadcasting Corp., for the period ending October 16, 1940.

Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to transmit programs to station CKLW, stations owned and operated by the Canadian Broadcasting Corp., and stations licensed by the Canadian Minister of Transport, through the facilities of the American Telephone and Telegraph Co., for the period ending September 1, 1940.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WCAP—Radio Industries Broadcast Company, Asbury Park, N. J.—Application for renewal of license; temporary license granted from October 1, 1939, pending hearing. This application was designated for hearing because of request of WTNJ, Trenton, N. J., for unlimited time and increase in nighttime power from 500 watts to 1 KW; this involves all facilities of WCAM and WCAP.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KFSG, Los Angeles; KRKD, Los Angeles; WCSH, Portland, Maine; WFBM, Indianapolis, Ind.; WHA, Madison, Wis.; WKAQ, San Juan, P. R.; WNAD, Norman, Okla.; KVOA, Tucson, Ariz.

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Granted renewal of license for the period ending February 1, 1940.

KBNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted renewal of license for the period ending December 1, 1939.

Licenses for the following stations were extended on a temporary basis for the period ending November 1, 1939, pending receipt of and determination upon application for renewal:

KGGM, Albuquerque, N. Mex.; WDSU, New Orleans; WHBF, Rock Island, Ill.; WHBI, Newark, N. J.; WNEL, San Juan, P. R.; and WNEW, New York City.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license further extended upon a temporary basis only for the period ending November 1, 1939, pending determination upon application for renewal.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only for the period ending November 1, 1939, pending determination upon application for renewal.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license further extended upon a temporary basis only for the period ending November 1, 1939, subject to whatever action may be taken upon pending application for renewal, and subject further to the express condition that said extension shall not be construed as a finding by the Commission that the operation of this station is or will be in the public interest beyond the express terms hereof.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Present license for high frequency broadcast station was further extended upon a temporary basis only for the period ending November 1, 1939, pending determination upon application for renewal.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license of relay broadcast station was further extended upon a temporary basis until November 1, 1939, pending determination upon application for renewal.

The following portable-mobile relay broadcast stations were granted renewals for the regular period:

KBKC, WCBE, WCBF, WCBG, Columbia Broadcasting System, Inc.; WAAJ, The Fort Industry Co.; KALO, Intermountain Broadcasting Corp.; WIOE, Isle of Dreams Broadcasting Corp.; KBIB, The KANS Broadcasting Co.; KDJB, Mason City Globe-Gazette Co.; KABF, McClatchy Broadcasting Co.; WAFZ, Minnesota Broadcasting Corp.; WBPA, The National Life and Accident Ins. Co., Inc.; KBID, Radio Service Corp. of Utah; WATS, Allen T. Simmons; WGBD, WBNS, Inc.; WAXL, Jonas Weiland; WIPL, WIPM, WNEI, WFBM, Inc.; WGTO, WGTM, Inc.

Renewals for the following portable-mobile relay broadcast station licenses were extended upon a temporary basis only for the period ending November 1, 1939, pending receipt of and determination upon application for renewal:

KIJG, Eagle Broadcasting Co., Inc.; KAGB, Albert Lee Broadcasting Co.; WABG, Memphis Commercial Appeal Co.; KABE, National Battery Broadcasting Co.; KAIE, National Battery Broadcasting Co.; WABV, Juan Piza; KNEF, Radio Service Corp. of Utah; WAXH, Savannah Broadcasting Co., Inc.

250 WATTS POWER AUTHORIZED

The following stations were granted modification of licenses to increase nighttime power to 250 watts:

WMFF, Plattsburg, N. Y.; WJBK, Detroit, Mich.; WJW, Akron, Ohio; WPAD, Paducah, Ky.; KGFW, Kearney, Nebr.; KOME, Tulsa, Okla.; WHDF, Calumet, Mich.; WBOW, Terre Haute, Ind.; KVOL, Lafayette, La.; KGFF; Shawnee, Okla.; KVWC, Vernon, Tex.; KDLR, Devils Lake, N. Dak.; KGKY, Scottsbluff, Nebr.; KGLO, Mason City, Iowa.

MISCELLANEOUS

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.**, using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (September 6:30 p. m. and October 5:30 p. m., PST), for the period September 30, 1939, to October 29, 1939.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate unlimited time on **1180 kc.**, using 5 KW power, for the period September 30, 1939, to October 29, 1939.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to operate on **2012 kc.**, for the period ending September 30, 1939, in order to avoid interruption of important experiments with improved independent synchronization system.

KYOS—Merced Broadcasting Company, Merced, Calif.—Granted special temporary authority to operate from 8 p. m. to 10 p. m., PST, on September 29, October 6, 13, 20, 27, 1939, in order to broadcast high school football games.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to pick up and rebroadcast emergency Red Cross drill to be received from amateur stations W3NT, W3II, W3HMB, W3FQP, W3EMM, W3BEK, W3HJC, W3CHE, W3IEY, W3FGJ, W3PK, W3HFL, W3DGG, W3AJA, W3AKN, W3GON, operating on **1805 kc.**, over radio station WTAR from 8 p. m. to 9 p. m., EST, on September 28, 1939; WTAR to communicate with amateur stations through relay broadcast station WAHE operating on **2022 kc.**

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 5:30 p. m. to 6:30 p. m., EST, on October 7, 14, 21 and 28, 1939, in order to broadcast football games as described in letter dated September 14, 1939.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate on September 24 and 29, 1939, using 100 watts only, to carry dedication program Mutual and Southern Network services to WGRC, and football game.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate unlimited time on September 29, October 6, 13 and 20, 1939, in order to broadcast high school football games, for time of game only.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with station WFAS from 4 p. m. to 5 p. m., EST, on September 23, 1939, in order to broadcast a football game.

NEW—Thomas J. Watson, Endicott, N. Y.—Denied motion to withhold further consideration in re Docket No. 5372, WMFF, Plattsburg Broadcasting Corp., Plattsburg, N. Y.

KRKO—Lee E. Mudgett, Everett, Wash., and NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Ordered that the final date for all parties in Dockets Nos. 5097, 5226, 5443, and 5114, to submit proposed findings of fact and conclusions, be extended from September 20 to October 11, 1939.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate on October 13, 1939, in order to broadcast high school football game only.

WBNY—Roy L. Albertson, Buffalo, New York.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., EST, on September 30, October 7, 14, 21 and 28, 1939, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 a. m. to 10 a. m., and from 2 to 3 p. m., EST, on October 1, 8, 15, 22, and 29, 1939, in order to broadcast religious services, newscasts, and musical programs; to operate unlimited time on

October 12 and 27, 1939, in order to broadcast musical programs and newscasts (provided WSVS remains silent).

WBRY—American-Republic, Inc., Waterbury, Conn.—Granted extension of special temporary authority to operate with the present two-unit directional antenna in accordance with the experimental authority granted under license, for the period September 30, 1939, to October 29, 1939, in order to determine necessary steps to change from a special broadcast to a standard broadcast station.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate with power of 250 watts on September 24, 1939, in order to broadcast an address by a Bishop of the Holy Name Society, for actual address only.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate night on September 23, 1939, in order to broadcast high school football game only.

WMFO—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted special temporary authority to operate on September 29, October 6, 13, 20, 27, 1939, using 50 watts only, in order to broadcast local high school football games only.

WCAT—South Daokta State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate on September 29, October 20 and 27, 1939, in order to broadcast football games only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from 7:00 p. m., PST, to the conclusion of high school football games on September 22, 29; October 1 and 6, 1939, and to broadcast United Press Service news for ten minutes after the close of the game on October 1, 1939.

United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter, aboard the plane owned by United Air Lines Transport Corp., call letters KHAZT as a relay broadcast station on the frequency of **2790 kc.**, to relay broadcast program describing American Legion Parade to Radio Station WGN, from 1:00 p. m. to 3:00 p. m., CST, on September 26, 1939.

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with Station WEBQ on nights of September 22, 29, October 13 and 20, 1939, in order to broadcast football games only as described in letter dated September 18, 1939.

WRCA-WNBI—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COCX, for the period September 28 to October 27, 1939.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period September 21, 1939, to October 20, 1939.

WESG—Cornell University, Ithaca, N. Y.—Reconsidered action in designation for hearing the application for renewal of license of WESG, and granted same, dismissing same from the hearing docket. This application was originally designated for hearing by reason of the applications and petitions submitted in behalf of the licensees of Stations WTIC, WBAL, KTHS, and KRLD, for special experimental authority to operate on frequency of **1040 kc.**, assigned to Station WESG.

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Amended Order heretofore entered on August 19th, with reference to grant of new station to operate on **1420 kc.**, 100 watts, 250 watts LS, unlimited time, by inserting a fourth paragraph thereof, directing applicant to file application for modification of C. P. specifying exact transmitter location and antenna system within two months after effective date of amended Order—September 27, 1939.

In re: Change of Rules 177 and 177.1.—Denied motion to strike filed by counsel for City of New York on behalf of Mayor LaGuardia, in the matter of amendment of Rules 177 and 177.1, in so far as it requests the striking of Issue No. 4, which is as follows: "To determine to what extent, if at all, the amendment of the rules as set forth in paragraphs 1 and 2 hereof would affect the operation of commercial stations as to program service and listening audience". Granted motion in so far as it requests amendment of Issue No. 6, which is as follows: "To determine whether, in view of the long distance characteristics of international stations and the unreliability of the short or national services of such stations, international stations should be permitted to be used to assist in the building of programs for regular broadcast stations, "by adding thereto the following: "whose licensees are the same as those set forth in paragraph 1 hereof," and said Issue No. 6 was amended that said motion was denied in so far as it requests striking of Issue No. 9, which is as follows: "To determine whether the Commission should change its basic policy of not authorizing the use of radio facilities where other facilities are available to render the same service."

KFRO—Voice of Longview, Longview, Texas.—Granted request in part to operate as follows: Between sunset and midnight on October 1, 8, 15, 22 and 29, when actually transmitting church services; no other broadcast authorized on these nights; to operate on the nights of October 6, 13, 20 and 27, to broadcast football games while actually transmitting the football games only; no other broadcast authorized on these nights; to operate on nights of October 3, 10, 17 and 24, while actually transmitting programs directly pertaining to the Fair; no other programs not directly related to the Fair not authorized. Station KFRO must remain silent all hours at night except those specifically set out above for the programs as mentioned; request for carrying other programs denied, which includes operation on October 7, 14, 21 and 28, for college football roundup.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted special temporary authority to operate from local sunset (September, 6:15 p. m., CST), to 9:30 p. m., CST, on September 26, in order to broadcast special Dedicatory program of the Galesburg Public Schools and Board of Education.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted authority to determine operating power by direct measurement of antenna input.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted license to cover C. P. authorizing change in frequency from **900** to **930 kc.**, and time of operation from daytime to unlimited, with 250 watts night, 500 watts day, employing DA system for nighttime operation.

NEW—Radio Air Service Corp., Portable-Mobile, area of Cleveland, Ohio.—Granted C. P. for new high frequency relay broadcast station; frequencies **31620, 35260, 37340, 39620 kc.**, 25 watts.

WEGR—Donald A. Burton, Muncie, Ind., Portable-Mobile.—Granted C. P. to install new equipment and increase power in high frequency relay broadcast station from 5 to 15 watts.

NEW—Mason City Globe-Gazette Co., Mason City, Iowa, Portable-Mobile.—Granted C. P. for low frequency relay broadcast station to operate on frequencies **1622, 2058, 2150** and **2790 kc.**, 2 watts.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted license to cover C. P. authorizing changes in equipment, installation of directional antenna for day and nightime operation, and increase in power from 10 to 50 KW.

WEIN—The Journal Company (The Milwaukee Journal), Portable-Mobile, area of Milwaukee, Wis.—Granted license to cover C. P. for relay broadcast station; frequencies **33380, 35020, 37620** and **39820 kc.**, 25 watts.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to make changes in authorized equipment.

KWBD—W. B. Dennis, Plainview, Tex.—Granted modification of C. P. for approval of transmitter and studio sites and installation of vertical radiator.

WMAN—Richland, Inc., Mansfield, Ohio—Granted modification of C. P. approving studio and transmitter sites, changes in authorized equipment and installation of vertical radiator.

WAFZ—Minn. Broadcasting Corp., Portable-Mobile, Minneapolis, Minn.—Granted modification of license to reduce power in low frequency relay station from 7.5 to 2.5 watts.

WNYC—City of New York, Municipal Broadcasting System, New York City.—Granted authority to determine operating power of auxiliary transmitter by direct measurement of antenna input.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

WTNJ—WOAX, Inc., Trenton, N. J.—Granted C. P. to install auxiliary transmitter for emergency use only.

WLTH—Voice of Brooklyn, Inc., New York City.—Granted C. P. to move transmitter site locally and install vertical radiator.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted C. P. to make changes in equipment.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Granted C. P. to install new equipment.

KEGN—Don Lee Broadcasting System, San Francisco, Cal., Portable-Mobile.—Granted C. P. to install new equipment.

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted license to cover C. P. authorizing changes in equipment.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted license to cover C. P. authorizing new station to operate on **1420 kc.,** 100 watts, daytime only.

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Granted license to cover C. P. authorizing new station to operate on **1200 kc.,** 100 watts night, 250 watts day, unlimited.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted license to cover C. P. authorizing new station to operate on **1370 kc.,** 100 watts, unlimited time.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted license to cover C. P. authorizing installation of new equipment.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted license to cover C. P. authorizing move of transmitter locally.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator.

W2XWE—WOKO, Inc., Albany, N. Y.—Granted modification of C. P. to make changes in equipment.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Granted modification of C. P. approving transmitter and studio sites, changes in authorized equipment and installation of vertical radiator.

WNEI—WFBM, Inc., Indianapolis, Ind., Portable-Mobile—Granted modification of C. P. covering changes in equipment.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted authority to install automatic frequency control.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted authority to determine operating power by direct measurement of antenna input.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.

KFNF—KFNF, Inc., Shenandoah, Ia.—Granted authority to determine operating power by direct measurement of antenna input.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted authority to determine operating power by direct measurement of antenna input.

WNAD—Univ. of Okla., Norman, Okla.—Granted special temporary authority to operate from 2:30 to 3 p. m. on Oct. 23 and 30, and from 10:30 a. m. to 11:30 a. m., CST, on Oct. 24, 25, 26 and 31, in order to broadcast special educational programs (provided KGGF remains silent).

KGGF—Hugh J. Powell, Coffeyville, Kans.—To remain silent on above periods in order to permit WNAD to broadcast special educational programs.

WOL—American Broadcasting Co., Washington, D. C.—Granted special temporary authority to operate with antenna currents in the ratio 1.50 to 1.00 and phase angle of 105° yielding field intensity of 53.5 mv/m in the direction of radio stations WNAC and WFBM during daytime for the period Oct. 4 and continuing for duration of the World's Series Baseball games, in order to maintain the field intensity of WOL for service in the Chevy Chase-Bethesda, Md., areas.

WKAQ—Radio Corp. of Puerto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast stations WCBX and WCAB over station WKAQ, on a non-commercial experimental basis only, for the period 3 a. m., October 1 and ending no later than October 30, 1939.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast station WNBI and WRCA over station WNEL, for the period October 7 to November 5, 1939.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate additional time on October 1, 8, 15, 22 and 29, in order to broadcast baseball games only.

KDNT—Harwell V. Shepard, Denton, Texas.—Granted special temporary authority to operate additional time to broadcast Denton County Fair programs only, on October 3, 4, 5, 6 and 7, and to broadcast football games only on October 13, 20 and 27.

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Granted special temporary authority to operate additional time on September 29, October 6, 13, 20 and 27, in order to broadcast football games only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate additional time on September 30, October 7, 13, 14, 21, in order to broadcast University football games only.

KPDN—R. C. Hoiles, Pampa, Texas.—Granted special temporary authority to operate additional time on October 20 and November 3, in order to broadcast high school football games only.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate between 6:15 and 7 p. m., EST, daily during month of October in order to broadcast weather reports only.

WTAW—Agricultural and Mech. College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with WJBO while broadcasting Texas A. & M. v. Santa Clara football game only.

APPLICATIONS FILED AT FCC

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of C. P. (B2-P-1767) to extend completion date from 9-30-39 to 11-30-39.

1140 Kilocycles

WSPR—WSPR, Inc., Springfield. Mass.—Modification of license to change frequency from **1140 kc.** to **1240 kc.,** and power from 500 watts to 250 watts, 500 watts day; time from limited to unlimited. Amended to change application to a construction permit; install directional antenna for day and night use, requesting **1240 kc.,** 500 watts power day and night, unlimited time; and change name to WSPR, Inc.

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—C. P. to install new transmitter, directional antenna for day and night; change frequency from **1140 kc.** to **1070 kc.;** increase power from 5 to 50 KW, hours of operation from simultaneous day, shares KVOO night, to unlimited; move transmitter from on Sandusky Mt., near Pratt City, Birmingham, Ala., to 9 miles north of Birmingham, Ala. Amended to request **1050 kc.**

1200 Kilocycles

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Modification of C. P. (B4-P-2367) for a new station, requesting approval of antenna and approval of studio and transmitter site at 2nd and Burlington Ave., Hastings, Nebr. Amended to request 250 watts power day and night.

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Modification of C. P. (B1-P-1461) for a new station, requesting increase in power from 100 watts, 250 watts LS, to 250 watts day and night; extend commencement and completion dates 60 days after grant and 180 days thereafter, respectively.

1210 Kilocycles

NEW—M. W. Plowman and F. Koren, d/b as Midland Broadcasting Co., Watertown, S. Dak.—C. P. for new station on **1210 kc.,** 100 watts, 250 watts LS, unlimited time.

WEDC—Emil Denemark, Inc., Chicago, Ill.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KOCA—Oil Capitol Broadcasting Association, Kilgore, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corporation, Fredericksburg, Va.—License to cover C. P. (B2-P-2105) for a new station.

1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Authority to determine operating power by direct measurement of antenna power.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—License to cover C. P. (B3-P-2224) for new antenna and transmitter and move of transmitter.

1310 Kilocycles

NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—C. P. for a new station on **580 kc.**, 250 watts, unlimited time. Amended to request **1310 kc.**, 100 watts, 250 watts LS, unlimited, and omit request for directional antenna. Transmitter site to be determined, Wisconsin Rapids, Wis.

WTJS—The Sun Publishing Company, Inc., Jackson, Tennessee.—C. P. to install new transmitter, directional antenna for night use; change in frequency from **1310 kc.** to **1360 kc.**; increase power from 100 watts, 250 watts LS, to 1 KW day and night.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kansas.—C. P. to make changes in equipment and increase power from 100 to 250 watts.

WISE—Harold H. Thoms, Asheville, N. C.—Modification of C. P. (B3-P-1066) for a new station, requesting authority to install new transmitter, change name from Asheville Daily News (Harold H. Thoms, owner), to Harold H. Thoms.

1420 Kilocycles

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Authority to transfer control of corporation from E. J. Hunt, to John L. Booth, 1,643 shares common stock.

1500 Kilocycles

KPAB—Mervel M. Valentine, Laredo, Texas.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KDRO—Albert S. Drohlich, Robert A. Drohlich, Drohlich Brothers, Sedalia, Mo.—Authority to determine operating power by direct measurement of antenna power.

KDRO—Albert S. Drohlich, Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—License to cover C. P. (B4-P-2165) for a new station.

MISCELLANEOUS

NEW—International Broadcasting Corp., area of WOV (N. Y.).—Construction permit for a new relay broadcast station to be operated on **31220, 35620, 37020, 39260 kc.**, 10 watts, A-3 emission, located in area of New York, N. Y.

NEW—International Broadcasting Corp.—License to cover above.

WTNK—WOAX, Incorporated, vicinity of Trenton, N. J.—Construction permit for reinstatement of station WTNK (C. P. expires 9-24-39).

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new television station, site to be determined, Philadelphia, Pa., operated on **78000-84000 kc.**, 1 KW power, A-5 emission, unlimited time.

WHPT—Radio Station WMFR, Inc., vicinity of High Point, N. C.—License to cover C. P. (B3-PRY-168) for new relay broadcast station.

NEW—Moody Bible Institute of Chicago, Chicago, Ill.—C. P. for a new non-commercial educational broadcast station on **41,300 kc.**, unlimited time, A-3 emission, 100 watts power. Located at RFD #1, Addison, Ill. Amended: To change name from The Moody Bible Institute Radio Station, to Moody Bible Institute of Chicago.

NEW—R. B. Eaton, Des Moines, Iowa.—C. P. for new television broadcast station at Des Moines, Iowa, on **46500 kc.**, visual, and **49750 kc.** for aural transmission, 100 watts power, A-3 and A-5 emission. Amended: To request **44000-50000 kc.**, for both aural and visual.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—Modification of C. P. to extend completion date from 9-18-39 to 12-18-39.

W9XC—Central Broadcasting Co., near Mitchellville, Iowa.—License to cover C. P. (B4-PEX-23) as modified for a new station.

NEW—Board of Education of the San Francisco Unified School District, San Francisco, Calif.—C. P. for a new non-commercial educational broadcast station to be located at 22nd and Bartlett Streets, San Francisco, Calif., to be operated on **41300 kc.**, 1 KW power, A-3 emission, unlimited time. Amended: Re: name.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Bolivar Studios, Inc.—See National Press Photo Bureau, Inc.

Kay Hart Studios, Inc.—See National Press Photo Bureau, Inc.

National Press Photo Bureau, Inc., Kay Hart Studios, Inc., Bolivar Studios, Inc., and Samuel F. Reese and Clara L. Reese, both officers of National Press Photo Bureau, Inc., and Kay Hart Studios, Inc., all of 509 Fifth Ave., New York, were charged, in a complaint, with misleading representations in the sale of photographs.

The respondents allegedly represented that National Press Photo Bureau, Inc., is connected with leading newspapers of the United States; that it represents local newspapers and has a following throughout the country; that the respondents are obtaining photographs for their files, and furnish the photographs to the press. Acting under such representations, the complaint continues, the respondents or their agents procure permission to photograph members of the purchasing public and subsequently attempt to sell them the finished photographs. (3898)

Norwalk Lock Company—See Segal Lock & Hardware Co., Inc.

Segal Lock & Hardware Company, Inc.—Under a complaint, Segal Lock and Hardware Company, Inc., Norwalk Lock Company, and their president, Louis Segal, and Jack Klein, who trades as Tested Appliances Company, all of 261 Broadway, New York, were charged with dissemination of misleading representations in the sale of a lock or lock cylinder device designated "Segal Pick-Proof Lock," "Segal Pick-Proof Lock Cylinder," and "Segal Pick-Proof Cylinder."

The respondents were charged with making misleading claims concerning the mechanical perfection and "pick-proof" quality of the Segal lock cylinder and the absence of such qualities in competing locks or lock cylinders.

By the use of a "pick gun" or other lock-picking device, the respondents, their salesmen and representatives, in their demonstrations, picked and opened the locks or cylinders manufactured and installed by competitors and accompanied such demonstrations with assertions regarding the superiority and pick-proof quality of the Segal lock cylinder, according to the complaint.

The respondents allegedly represented that the Segal lock cylinder is absolutely "pick-proof" under all circumstances; that experts have tried and failed to pick it; that the inventor of the "lock-picking gun" failed in a public demonstration to pick it; that without the Segal device any lock can be picked or opened by skeleton keys or other lock-picking devices, and that the Segal lock cylinder is the first device which is an absolute guarantee of complete safety from the lock-picking menace and dangerous pick-gun.

On the contrary, the complaint alleges, all locks or lock cylinders can be opened or picked by some lock-picking device in the hands of an expert; the Segal lock cylinder is not safe from the "lock-pick" menace and the picking gun, and Bernard Zion, co-inventor of the pick-gun, did not, on the occasion of a public demonstration or contest, fail in an honest endeavor to open the Segal lock cylinder, but only pretended that he could not. Zion actually has opened or picked the Segal device, according to the complaint. (3896)

Tested Appliances Company—See Segal Lock & Hardware Company, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Consolidated Candy Company, Inc.—See Model Lingerie Company.

Excelsior Hat Works—See Morben Hat Works, Inc.

Kidder Oil Company, 818 South Third St., LaCrosse, Wis., was ordered to discontinue the dissemination of misleading representations in the sale of a lubricant designated as "Koatsal."

Findings of the Commission are that the graphite used in Koatsal is manufactured by a Michigan concern which sells to the respondent a product called concentrated "Oildag," composed of 10 per cent colloidal graphite and 90 per cent lubricating oil. The respondent, it was found, blends one part of concentrated "Oildag" with 50 parts of lubricating oil to make Koatsal. The Michigan concern formerly made a product called "Ready for Use Oildag" which was substantially the same as Koatsal, and was introduced several years before the respondent's product.

Further findings are that, contrary to the respondent's claims, no reduction of friction is accomplished by conditioning a motor with Koatsal, nor does this product have qualities and properties in excess of that of the oil contained in it.

Under the order, the respondent is to cease representing that Koatsal penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, providing a plating on the metal for moving parts to ride on, or that the lubricating qualities of Koatsal are any greater than those of the oil which it contains. (3026)

Martin Custom Made Tires Corporation, 645 Eleventh Ave., New York, was ordered to discontinue misleading representations in the sale of certain of its automobile and truck tires. Under the order, the respondent is to cease representing, directly or by implication, that the construction of its tires or the materials or the number of plies contained in the tires are other than is actually the case. (3585)

W. E. & M. E. Medicine Company—William Everette, trading as W. E. & M. E. Medicine Company, 509 North 58th St., Philadelphia, was ordered to discontinue misleading representations in the sale of "W. E. & M. E. Herb Tonic."

Findings of the Commission are that the respondent's preparation is a simple laxative, sedative and tonic and as such may have incidental benefits for some of the ailments it is represented to relieve. Further findings are that the "Herb Tonic" contains drugs prescribed by physicians for some of the ills it is claimed to relieve, but that the dosage indicated by the respondent does not give users the amounts of these drugs, even as a laxative that are recommended by the medical profession in most cases.

Under the order, the respondent is prohibited from representing that use of his preparation purifies the blood, relieves all acute pains, stimulates the sexual organs or system, relieves backache or disorders of the liver or kidneys, or remedies disorders of the stomach, indigestion or cramps. Representations that the "Herb Tonic" is a cure for the menopause or a relief from suffering caused by it, or that the preparation contains no harmful ingredients, are also prohibited under the order. (3087)

Model Lingerie Company—A Chicago hosiery company and a Dallas, Texas, dealer in candy and nut confections were ordered to discontinue using lottery schemes in the sale and distribution of their merchandise to ultimate consumers.

Model Lingerie Company, and its officer, Gertrude Leith, 529 South Franklin St., Chicago, and Consolidated Candy Company, Inc., and its officer, Leslie Finucane, 826 Exposition Ave., Dallas, were ordered to cease selling any merchandise by the use of lottery devices such as push or pull cards or punchboards, or supplying dealers with lottery devices to be used in the sale of any merchandise. (3659-3657)

Morben Hat Works, Inc.—Prohibiting certain misleading representations in the sale of hats, cease and desist orders have been issued against two manufacturers in New York and New Jersey, who make hats from felts and other materials obtained from old and previously used hats.

The respondents are Morben Hat Works, Inc., and Morris S. Altman, officer and principal stockholder of the corporation, 162 Green St., New York, and Joseph A. Villone, trading as Excelsior Hat Works, 275 Fifteenth St., Jersey City. Under the orders they are directed to cease and desist from representing that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

The orders also prohibit the representation that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweatbands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweatbands, a statement that the products are composed of secondhand or used materials. The order provides that if sweatbands are not affixed to the hats then such stamping must appear on the bodies of the hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating the bodies. (3838-2046)

Research Products Company—Robert C. Oberlin, trading as Research Products Company, 3170 Berkshire Road, Cleveland, has been served with an order prohibiting misleading representations in the sale of medicinal preparations.

The order prohibits advertisements that use of the respondent's preparations known as "Dupree Pills," "Dupree Double Strength Pills" and "Dr. Gordon's Special Formula Double Strength Pills" are competent, safe and scientific treatments for delayed menstruation and that their use will have no ill effects on the body.

Dissemination of advertisements which fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of users, is also forbidden.

On petition of the Commission, the United States District Court in Cleveland on June 30 granted a preliminary injunction prohibiting advertisement of the respondent's treatments for delayed menstruation in substantially the same manner as alleged in the Commission's complaint, pending disposition of the case under the Federal Trade Commission Act.

Under the Commission's order, the respondent is also directed to cease representing that the use of "Van Dyke Dutch Brand Haarlem Oil Capsules" is a cure or remedy for, or has therapeutic value in the treatment of rheumatism, sleeplessness, nervousness or pains in the back, and that use of "Dr. Gordon's Vitam-Perles" or "Vitamin E Perles" is a competent or effective remedy or cure for, or has therapeutic value in the treatment of the conditions known as lack of ambition, loss of strength, loss of blood, or anemia, or rundown condition. (3863)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Mme. Nell E. Anderson, 1415 Echo Park Ave., Los Angeles, stipulated that she will cease using the term "Bust Developing Cream" in designating her cosmetic preparation, and will cease representing, directly or by implication, that the use of her commodity, "Mme. Anderson's Bust Developing Cream," for massaging in conjunction with prescribed muscular exercise or in any other manner, will enlarge the bust. (02431)

Beverly Knitting Mills—Lester G. Griffith, trading as Beverly Knitting Mills, 1240 South Main St., Los Angeles, stipulated that he will cease using the word "silk" on labels, invoices, or any other printed or advertising matter to describe products which are not composed of silk. The stipulation provides that if the products are composed substantially of silk and in part of some other fabric material, and the word "silk" is used to refer to the silk content of such products, then the word "silk" shall be accompanied by some other word or words printed in equally conspicuous type so as to indicate clearly that they are not composed wholly of silk. If the fabric other than silk constitutes the major content of such products, the name of the predominant material shall precede the word "silk," as, for example, "Cotton and Silk." The respondent also agreed to discontinue use of the words "Knitting Mills" as part of his trade name and from use of the words "Manufacturers" or "Knitting Mills" so as to imply that the respondent makes his products or that he absolutely controls the factory in which such products are made. (2541)

Direct Company—H. F. Goring, trading as The Direct Company, and Directo, 221 Broad St., Savannah, agreed to discontinue use of the trade names "The Direct Company" and "Directo," and to cease using the words "Direct from mill" so as to represent that hosiery which he sells is shipped directly to customers from a factory, or that he controls the factory in which his merchandise is made. The respondent will also cease using phrases such as "Wholesale to you" and "Wholesale direct to you," so as to represent that his product is offered to the purchasing public at a wholesale price. (02433)

Faultless Appliance Sales Company—Lewis D. Coburn, trading as Faultless Appliance Sales Company, Whitman, Mass., agreed to discontinue representing or implying that use of the rupture support or truss which he sells will permanently cure difficulties associated with rupture or that his device will afford adequate support for all varieties and grades of hernia. The respondent further stipulated that he will cease representing that his device has neither a steel bar nor band or a pad, when it is actually equipped with such elements. (2539)

Juvenex, Inc., and its president, Charles H. Whitsey, Bond Building, Washington, D. C., engaged in the sale and distribution of "Juvenex," a laxative tablet, agreed to cease using on labels or any other printed material, any price which is in excess of that at which such products are sold or intended to be sold in the usual course of trade. The respondents will also cease using in advertisements the word "manufacturer," or similar designations implying that they make their products or own or control the factory in which such products are made. (2540)

Charles B. Knox Gelatine Co., Inc., Johnstown, N. Y., in connection with the sale of its "Knox Gelatine," agreed to discontinue advertising that the United States Government has created a standard of purity for gelatine. In its stipulation, the respondent company admitted that the Government has not created a standard of purity for gelatine. (02436)

Merit Food Company, Inc., Hackensack, N. J., entered into a stipulation to discontinue misleading representations in the sale of Cuban honey.

The respondent agreed to cease advertising that Cuban honey is a tonic or that it has, or is credited by the medical profession or leading physicians with having curative qualities in the treatment of stomach ailments, inflammation of the intestines, asthma, bronchitis, sinus infections, or irritations of the throat and bronchial tract, or that it will do more than to afford temporary relief from irritations, such as result from a cough or cold, or that it has value other than that of a bland food in the treatment of digestive disorders. (2542)

National Library Press—M. Fryefield, trading as The National Library Press, 110 West 42nd St., New York, agreed to cease advertising that the book, "How to Draw From the Nude," teaches art as it is taught in studios; enables a pupil to study as in classes with personal instruction, and is the most comprehensive book on art intruction published. The respondent further stipulated that he would not represent that the book, "Making Art Pay," was being given free or without charge to purchasers of "How to Draw From the Nude." (02430)

Neuhaus Pharmacal Company—F. G. Neuhaus, trading as Neuhaus Pharmacal Co., 824 South Kingsley Drive, Los Angeles, agreed to cease representing that his preparation, "Dr. Custodis' Oil of Garlic Capsules," or any similar preparation, will bring about a reduction in high blood pressure except when reference is made to a temporary reduction, not to exceed several hours, of hypertension due to muscular constriction of blood vessels; that the product will be of value in the relief or treatment of headaches, thoracic oppression, dizziness of anorexia in any case other than where a temporary reduction of high blood pressure due to muscular constriction might be of value in giving temporary relief from such symptoms; that it will correct gastro-intestinal disorders, or will remove the cause of any ailment. The respondent will also cease representing by use of the word "Pharmacal" in his trade name or otherwise, that he prepares his product, or maintains pharmacal facilities or a laboratory for testing the efficacy of his product. (02432)

J. Pressman & Co., Inc., 882 Third Ave., Brooklyn, N. Y., agreed to discontinue employing the slogan "Made in U. S. A.," or any similar phraseology, on containers of toy assortments so as to imply that every item of the assortments is an American-made product, when such is not a fact. The stipulation provides that if an assortment comprises in part an item or items actually made in the United States and an item or items made elsewhere, the slogan "Made in U. S. A.," if used to designate the American-made items shall be accompanied by other words in equally conspicuous type so as to indicate clearly that the assortment does not consist wholly of American-made items. (2538)

Proctor & Gamble Company, Cincinnati, Ohio, in the sale of "P and G The White Naphtha Soap," agreed to discontinue advertising that this product contains a unique ingredient which makes it the only soap which will remove stubborn "deep down" dirt from clothes; that it is kind to all sorts of fabrics and colors, or that it never fades colors, unless this last assertion is directly limited in context to reference to colors which are washable. The respondent company also stipulated that it will desist from advertising that the use of "P and G The White Naphtha Soap" enables one to cut washing time, or that it loosens dirt faster or washes clothes whiter. The respondent also agreed to discontinue employing any other statement purporting to express a comparison, unless the basis of the comparison is stated in direct connection therewith.

John Puhl Products Company, 3640 Pershing Road, Chicago, agreed to cease advertising that its chemical solution, "Fleecy White," is a competent remedy in the treatment of poison ivy, poison oak, sumac, insect bites, or minor burns, unless the representation is limited to cases in which secondary infection has supervened. Other representations to be discontinued are that "Fleecy White" is competent for treating athlete's foot or barber's itch, will destroy the fungus that causes athlete's foot, and is a competent remedy for all types of sores or for cuts or scratches, unless this last named representation is limited to such benefits as may result from use of the respondent's preparation as a germicide or antiseptic dressing. (02435)

FTC CLOSES CASE

The Federal Trade Commission closed its came against Try-Mo Radio Company, Inc., 85 Cortlandt St., New York, in which the respondent was charged with misleading advertising of radio receiving sets and radio equipment.

The respondent, on July 24, 1939, agreed to discontinue the unfair practices charged in the Commission's complaint and agreed to accept and abide by the rules of fair trade practice for the radio receiving set industry promulgated by the Commission July 22, 1939. The case was ordered closed without prejudice to the right of the Commission to reopen it and resume prosecution, should future facts so warrant. (2483)

The Commission has also closed its case against the now-dissolved Universal Detective System, Inc., 188 West Randolph St., Chicago, in which the respondent was charged with the dissemination of misleading representations in the sale of correspondence courses in detective work. Because of such dissolution, the case was ordered closed by the Commission without prejudice to its right to reopen it should future facts so warrant. (3829)

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 40, October 6, 1939

Code Compliance Under Way

Finding that discussions of American neutrality constituted discussions of a "public controversial issue," and therefore were barred from paid commercial time under the new NAB Code which became effective October 1, the Code Compliance Committee convened in Washington Monday and Tuesday of this week in its first historic session.

In its public statement, the Committee called attention to the religious section of the Code which declares that radio may not be used to convey attacks upon another's race or religion, and defined a "public proposal subject to ballot" as being one "where the proposal itself appears on the ballot to be cast by the individual citizen." Matters pending before a legislative body are not regarded as "public proposals subject to ballot," the Committee ruled.

The full text of the Committee's statement appears below.

Many member stations who have been accepting discussions in the public controversial field on a commercial basis have already declared that they are prepared to alter station policy, consistent with the terms of their contractual relations, as speedily as possible, so as to comply with the industry-wide code.

In its statement, the Committee recognized the difficulty sometimes of determining whether or not a matter falls within the public controversial section of the Code. "The Committee feels, therefore, that its duty and function is that of rendering advisory opinions, and of recommending procedures through which a sincere and uniform understanding of, and compliance with the Code, may be achieved.

"Toward such ends, the Committee holds as self-evident that no determination as to the character or classification of a proposed program or radio address can be

(Continued on page 3754)

Distinguished Groups Praise Code
William Allen White Endorses

In praising the Code, William Allen White, editor of the Emporia, Kansas Gazette, said yesterday: "I can't see how any honest, tolerant American citizen who wishes both sides presented, can fail to support that Code. It is not perfect, of course, being human, but it is a long step forward."

National Council of Catholic Men
(by Edward J. Heffron, Executive Secretary)

The Code as it stands, without going into the vagaries of possible future interpretation, is in substance a splendid platform of democratic broadcasting. The fine conception of charity shown in ruling out "attacks upon another's race or religion," the fine conception of justice, indeed of social justice, shown in your effort to preclude the possibility of the interests with greater means monopolizing the time available for discussion of public controversial issues at the expense of interests just as important but poorer in this world's goods, deserve the highest commendation.

I congratulate you and your Association upon the adoption of the Code, and I pray God to give you the strength to see it to thorough and judicious execution.

(Continued on page 3754)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

CODE COMPLIANCE UNDER WAY

(Continued from page 3753)

established until an advance script has been examined by the station management.

"The Committee recommends, therefore, that

(a) Since discussions of controversial public issues have been eliminated from paid commercial broadcasts, adequate time for the presentation of controversial public issues shall continue to be provided free of charge by each station or network, in accordance with the public interest therein.

(b) All such scripts shall be required in advance, for examination in light of the Code.

(c) Under no circumstances will compensation be accepted by the station or network for time consumed by the spokesman of a controversial public issue, unless,

(d) The spokesmen appear on a public forum type of broadcast regularly presented, in conformity with the Code, as 'a series of fairsided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network."

"Without an advance script, no one can determine the complexion of any proposed broadcast."

Meanwhile, Headquarters released yesterday a series of public statements from outstanding national groups praising the action of the industry in inaugurating a program of self-regulation through the Code. The National Council of Catholic Men, through its Executive Secretary Edward J. Heffron, commended the Code as a "splendid platform of democratic broadcasting," and cited the provisions barring the sale of time for controversial matters as a "fine conception of justice, indeed of social justice." These statements appear elsewhere in the bulletin.

Those in attendance were: Edgar Bill, WMBD, Peoria, Illinois; Martin Campbell, WFAA, Dallas, Texas; Edward Cargill, WMAZ, Macon, Georgia; Earl J. Glade, KSL, Salt Lake City, Utah; Don Searle, KOIL, Omaha, Nebraska; Calvin J. Smith, KFAC, Los Angeles, California; Theodore C. Streibert, Mutual Broadcasting System; Harry Butcher, Columbia Broadcasting System; Frank M. Russell, National Broadcasting Company; William B. Dolph, WOL, Washington, D. C.; Neville Miller, President, NAB; E. M. Kirby, NAB Secretary of the Code Compliance Committee.

DISTINGUISHED GROUPS PRAISE CODE

(Continued from page 3753)

American Civil Liberties Union
(by Roger Baldwin, Director)

The American Civil Liberties Union and its affiliate, the National Council on Freedom from Censorship, has followed and approved the sincere, persistent endeavors of the National Association of Broadcasters to make radio broadcasting a more socially minded service. The Code adopted by the NAB in July is a great step forward in formulating a policy in the public interest. We especially commend the resolve not to sell time for the discussion of controversial issues and to give time for such programs more generously and to open all such discussions to at least two opposing points of view. The assertion this week of this purpose and the redefinition of its concrete approach is further evidence of the intent of the NAB to strengthen the spirit and method of these policies. We congratulate the NAB and its membership on this forward-looking program.

Federal Council of the Churches of Christ in America
(by John W. Langdale, General Chairman)

It is reassuring to observe that high degrees of public responsibility are recognized and accepted in the NAB Code. Good taste, religious freedom, the educational privilege of hearing both sides of questions, the presentation of news without propaganda; surely such standards must commend themselves to well wishers for humanity.

National Council of Women
(by Mrs. Ruth Haller Ottaway, President)

The Code adopted by the radio industry is splendid and is a long step forward toward the preservation of free speech.

You have in my opinion, taken the only step compatible with our democratic form of government in granting all equal opportunity to discuss controversial issues without restricting the privilege to those who can afford to pay for time.

Your careful earmarking of subjects, too, is praiseworthy. I am delighted that you have designated so clearly that religious broadcasts shall be religious in character and not political.

General Federation of Women's Clubs
(by Mrs. Harold V. Milligan, Chairman, Committee on Radio)

It is my definite conviction that the provision of the recently adopted NAB code which prohibits the sale of time for controversial subjects is one of the best safeguards of our democracy yet evolved by the radio industry. As I interpret its effect upon broadcasting, it insures an impartial and unbiased presentation of controversial issues since all individuals and groups have the same opportunity regardless of their financial status, to express their opinions.

The Constitution of the United States grants all of its citizens equal opportunity and in my opinion the NAB code is conforming to true democratic principles in throwing radio facilities open to all and not permitting a favored group to buy time to state its views. There is no discrimination involved in my estimation in according all who wish to discuss controversial subjects an equal opportunity to do so.

Boys' Clubs of America
(by Mr. Sanford Bates, Executive Director)

I have read the new Code for the broadcasting industry as adopted by the National Association of Broadcasters, and wish to commend you for it.

Association of National Advertisers
(by Paul B. West, President)

By putting into effect the self disciplining Code adopted last summer your association has completed significant and far reaching step. Through it the broadcasters have acknowledged and fairly defined their social responsibilities and in broadest sense planned a wise course of action to meet those responsibilities. For this the NAB should receive the gratitude not only of the public for recognizing their interests but of many older industries for showing the way. My heartiest personal congratulations to you on this splendid accomplishment.

American Association of Advertising Agencies
(by John Benson, President)

The manner in which the American radio industry has approached its vast social responsibilities is a fine evidence of good stewardship. I congratulate you.

National Education Association
(by Miss Rita Hochheimer, Chairman, Audio-Visual Committee)

Congratulations to American children on the action of National Association of Broadcasters regarding the new Code.

By W. Russell Bowie, Director of Grace Church, New York City

I have heard with much interest of the action of the National Association of Broadcasters in adopting a new Code preventing the sale of time for controversial subjects and granting free time when both sides of a question are presented. May I register my cordial approval of this decision and my hope that it will be maintained. The mere possession of money, sometimes secured through devious means, certainly ought not to give to dangerous influences in America the right to flood the public mind with propaganda which may be uncontradicted by other and truer ideas not backed by money. If the broadcasting companies, by their new Code, assure fair presentation of the different sides in controversial issues, they will accomplish a great service to our democracy.

By Henry S. Coffin, President Union Theological Seminary, New York

I have looked over the new Code adopted by the National Association of Broadcasters and it seems to me eminently fair. We do not wish to take controversial questions off the air. There is every reason why in a democracy there should be the freest opportunity for public discussion, but it is reasonable that where such discussion is held both sides should be presented and that the Code guarantees. Any attempt to attack the Code in the interests of obtaining freedom for one-sided propaganda seems to me hostile to true democracy.

By Lyman Bryson, Director, The People's Platform

I am very glad to know that the National Council on Freedom from Censorship has approved the new Code of the National Association of Broadcasters. Those of us who have had experience in the use of the radio for free talks know that the provisions of the Code against the sale of time for controversial talks are the best solution of a difficult problem. Indeed I would go further and say that no other solution of the problem of free speech can be acceptable to those who believe in liberty.

By George V. Denny, Jr., Director America's Town Meeting of the Air

I heartily concur with the new Code which is to be adopted by the National Association of Broadcasters. For nearly half a century Town Hall has pioneered in presenting all sides of controversial issues and for the past four years we have advocated this in principle and in practice, through America's Town Meeting of the Air and in all of our Town Hall programs. It is not a new idea, but has been the American way since the days of the early town meetings. Before us in all of our meetings this year will hang a banner on which these words are inscribed: Tolerance, Reason, Justice.

Statement of the Code Compliance Committee

At the conclusion of the first meeting of the Code Compliance Committee October 3, of the National Association of Broadcasters, Edgar Bill, Chairman, of Radio Station WMBD, Peoria, Illinois, this afternoon released the following statement from the Committee:

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"While the Committee realizes that the American people through the delegation of the radio franchise, have placed upon the broadcaster final responsibility to accept or to reject program matter in 'the public interest, convenience and necessity,' it nevertheless recognizes that NAB member stations in the 17th Annual Convention, July last, shared their program and operating experiences in the adoption of a new Code so that a more uniform and higher level of public service might result throughout the length and breadth of American radio.

"The Committee has taken these into consideration in its deliberations, which have chiefly centered around problems involving the Religious and Public Controversial sections of the new Code.

"In approaching the Public Controversial section of the Code, which bars the sale of time for such discussions, but which provides that such discussions be placed on the air without cost, the Committee emphasizes the underlying principles involved.

"There is a limitation to the number of radio channels now available for broadcasting in this country.

"There is also a limit as to the number of hours available per day for broadcasting. Newspapers may add any number of extra pages to accommodate their overflow news and advertising columns. No comparable opportunity exists in the daily schedule of a radio station, which must adhere to the hands of the clock.

"In the absence of any self-imposed policy to the contrary, it is conceivable that some individuals or groups with financial means to do so could buy all the available time necessary to monopolize, dominate or control the discussion of public issues through the radio medium, precluding a fair opportunity for an opposition without financial resources to present its case to the radio audience.

"Such a situation would pervert the function of American radio as a forum of democracy, and would irreparably shatter the confidence of the public in the American system of broadcasting.

"In order to assure the American people for all time that such an intolerable misuse of radio facilities cannot happen, the Code states that 'Time for the presentation of controversial issues shall not be sold.'

"The Code does not bar anyone or any group from using radio. It simply denies the right to buy time, for the reasons stated.[1]

"Representative spokesmen of groups in the field of public controversial issues have a perfect right to request time on the air, from a network or station, in accord with the public interest therein as outlined in the Code. 'Broadcasters shall use their best efforts to allot such time free of charge, with fairness to all elements in a given controversy.'

"The handling of public controversial issues by radio stations is a matter of principle and not one of personalities."

Determination of a Public Controversial Issue

"The Code Compliance Committee realizes that whether a matter is a public controversial subject or not is one sometimes difficult to determine, particularly in national and statewide affairs.

"The Committee feels, therefore, that its duty and function is that of rendering advisory opinions, and of recommending procedures through which a sincere and uniform understanding of, and compliance with the Code, may be achieved.

"Toward such ends, the Committee holds as self-evident that no determination as to the character or classification of a proposed program or radio address can be established until an advance script has been examined by the station management.

"The Committee recommends, therefore, that

(a) Since discussions of controversial public issues have been eliminated from paid commercial broadcasts, adequate time for the presentation of controversial public issues shall continue to be provided free of charge by each station or network, in accordance with the public interest therein.

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[1] Political broadcasts, as defined, are excepted because "at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away."

(b) All such scripts shall be required in advance, for examination in light of the Code.

(c) Under no circumstances will compensation be accepted by the station or network for time consumed by the spokesman of a controversial public issue, unless,

(d) The spokesmen appear on a public forum type of broadcast regularly presented, in conformity with the Code, as 'a series of fairsided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.'

"Without an advance script, no one can determine the complexion of any proposed broadcast.

"This does not mean, of course, that those who wish to discuss matters of public controversy are barred from the air.

"Far from it!

"Through the new Code, representative spokesmen of groups will be given free time to present their viewpoints, in accord with the public interest, program balance and availability of time.

"The Committee recognizes that all such representative spokesmen of public opinion groupings, may broadcast their opinions during time provided free for this purpose, or may take a political position on paid radio time during a political campaign, or may espouse or oppose a 'public proposal subject to ballot.' The Code adequately covers these provisions."

Neutrality—Method of Maintaining of Which is a "Public Controversial Issue" Within the Meaning of the Code

* * * *

"The question of America's neutrality has raised an interesting point in which the Committee and the individual broadcaster are concerned in the application of the Code.

"Following careful survey of the members of the Committee drawn from different sections of the country, and of the issue itself as resolved yesterday in Congress, the Committee feels that while all Americans desire to stay out of war and to preserve neutrality, the methods of achieving and maintaining same are matters automatically falling within the sphere of 'public controversial issues,' and as such should be presented on free time and not sold."

Definition of a Public Proposal Subject to Ballot

"In response to inquiries from member stations, the Committee defines a 'public proposal subject to ballot' as one where the proposal itself appears on the ballot to be cast by the individual citizen.

"Matters pending before a legislative body are not regarded as 'public proposals subject to ballot.'"

The NAB Religious Code

"The Committee calls attention to the religious section of the Code which reads:

'Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion. Rather it should be the purpose of the religious broadcast to promote the spiritual harmony and understanding of mankind and to administer broadly to the varied religious needs of the community.'

Decision on Intervening

Federal Communications Commissioner George Henry Payne handed down a decision of more than ordinary interest this week dealing with the question of petitions to intervene in cases before the Commission. The decision is considered a strict interpretation of one of the new Commission rules.

The decision was made public in connection with the application of Hazelwood, Inc., for a construction permit for a new station at Orlando, Florida, to operate on 1390 kilocycles, 1000 watts, unlimited time. The decision denies a petition of the Orlando Broadcasting Company of Orlando for leave to intervene in a case involving an application for a new station at Orlando.

Because of its importance the decision is given in full as follows:

DECISION ON PETITION TO INTERVENE AND REQUEST FOR ENLARGEMENT OF THE ISSUES

Payne, Commissioner (Presiding at Motions Docket)

This petition was filed by the Orlando Broadcasting Company, Inc., licensee of Radio Station WDBO, Orlando, Florida, and requests leave to intervene in the hearing designated by the Commission on the above-entitled application and further requests that the issues heretofore designated by the Commission to be heard at said hearing be enlarged to include the following: (a) to determine the extent of the broadcast service already rendered in the Orlando area; (b) to determine if the interests of Station WDBO will be adversely affected by a grant of the above-entitled application; and (c) to determine whether the operations of the station proposed by the applicant will be in accord with the Commission's plan of allocation and standards of good engineering practice.

Petitioner requests that it be made a party in the proceedings on the application of Hazelwood, Inc., and that it be allowed to present evidence on the issues listed in the Notice of Hearing heretofore published by the Commission as well as upon the additional issues requested to be added and any further issues which may be added hereafter.

When the application of Hazelwood, Inc., was received by the Commission it was examined as required by Section 309(a) of the Act, and because the Commission was unable upon such examination to reach the decision that the public interest, convenience and necessity would be served by a grant of the application it was designated for hearing in order to afford the applicant an opportunity to be heard on the question of whether or not the application should be granted. The only issue specified by the Commission in the Notice of Hearing was that relating to the possibility of adverse effect upon the service rendered by Stations KLRA, WHK and WMFJ by reason of electrical interference which might result from the operation of the proposed new station.

The instant petition to intervene and to enlarge the issues to include questions other than those specified in the Notice of Hearing requires an interpretation of the Commission's rule 1.102 which became effective on August 1, 1939. Because the questions raised by the instant petition are also involved in a number of other petitions now pending on the motions docket, I feel that it is appropriate to express in some detail my views concerning the sufficiency of the instant petition in the light of the Commission's present rule governing intervention and enlargement of issues.

The Commission's rule relating to intervention and enlargement of issues, reads as follows:

> "Sec. 1.102 Intervention. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed or verified in accordance with Sec. 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

In applying this rule to the instant petition I will deal with the request to intervene, and the request to enlarge issues separately.

Petitioner's Request to Intervene

The underlying purpose of the Commission in adopting its present rule on intervention was to correct a practice which had become prevalent under the prior rule of the Commission relating to intervention. Under its former rule, the Commission permitted any person to intervene in a hearing if his petition disclosed "a substantial interest in the subject matter." This standard was so broad and the Commission's practice under it was so loose that intervention in Commission hearings came to be almost a matter lying in the exclusive discretion of persons seeking to become parties to Commission proceedings. The experience of the Commission during the past few years clearly demonstrated that the participation of parties other than the applicant in broadcast proceedings in a great many cases resulted in unnecessarily long delays and expense to both the Commission and applicants without any compensating public benefit. In many cases the major function served by intervenors was to impede the progress of the hearing, increase the size of the record, confuse the issues and pile up costs to the applicant and to the Commission through the introduction of cumulative evidence, unnecessary cross-examination, dilatory motions, requests for oral argument and other devices designed to prevent expeditious disposal of Commission business.

The underlying purpose of the present rule is to limit participation in proceedings, particularly on broadcast applications, to those persons whose participation will be of assistance to the Commission in carrying out its statutory functions. The present rule requires a petitioner to set forth not only his interest in the proceeding but also "the facts on which the petitioner bases his claim that his intervention will be in the public interest." The fact that a proposed intervener may have the right to contest in a court the validity of an order granting or denying a particular application does not in and of itself mean that such person is entitled as a matter of right to be made a party to the proceedings before the Commission on such application. Intervention in proceedings before administrative agencies like the Federal Communications Commission is ordinarily covered by statutory provision. The Communications Act contains no provisions giving the right of intervention in proceedings before the Commission to any person or class of persons, but expressly provides that the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. By the adoption of Rule 1.102 the Commission in effect has declared that it will conduce to the proper dispatch of business and to the ends of justice if it permits intervention in a proceeding before it only if the making of a record in which the facts are fully and completely developed, is facilitated by permitting the requested intervention. It is this theory—that where the public will benefit through aid or assistance given to the Commission or the applicant by a party-intervenor in a broadcast hearing, such participation should be permitted—which underlies Rule 1.102.

The petition of the Orlando Broadcasting Company, Inc., utterly fails to meet the requirement of the present rule on intervention. In so far as it requests permission to participate in the hearing already designated on the application of Hazelwood, Inc., it simply prays that the petitioner be made a party and be allowed to present "evidence." Not the slightest intimation is given as to the type of evidence which the petitioner desires to adduce or what petitioner intends to prove by the introduction of such evidence. The only issue mentioned in the Commission's Notice of Hearing is the issue of electrical interference to Stations KLRA, WHK and WMFJ, which are now operating either on 1390 kc (the frequency requested by Hazelwood, Inc.) or on adjacent frequency. The petitioner operates its station on 580 kc, so there could be no electrical interference to petitioner's station, and while it would not be impossible for the petitioner to obtain data on the issue specified in the Commission's Notice of Hearing, it is not likely that the petitioner is as well informed or is as well-equipped to adduce testimony concerning the issue of electrical interference as is the Commission itself. Without a proper showing of the type of evidence proposed to be adduced and the facts expected to be proved thereby, the Commission would not be justified in permitting the petitioner to intervene in the proceedings on the application of the Hazelwood, Incorporated.

On the basis of the allegations now set forth in the instant petition the request for intervention must be denied in so far as it requests permission to participate in the hearing on the issue already designated. In so far as the petition requests permission to adduce evidence pertaining to the issues which it requests the Commission to add to the Notice of Hearing, it is necessarily contingent upon the action which is taken on the request to enlarge issues. For reasons stated below, this request must also be denied. Hence, the request to intervene in order to adduce evidence relating to these issues must be denied not only for the reasons above stated but also because the request to enlarge issues is denied.

Petitioner's Request to Enlarge Issues

The determination of what issues an applicant for broadcast facilities should be required to meet in a hearing on his application is a matter committed by Congress to the discretion of the Commission. No hearing whatever is required if the Commission is able upon an examination of an application to determine that the public interest, convenience and necessity will be served by granting the application. If the Commission is not able to reach such a determination upon the examination of an application the statute requires that notice and an opportunity to be heard shall be given the applicant, but not otherwise.

Good administration, both from the theoretical and practical standpoint, requires that unduly long and expensive hearings should be avoided. Therefore, the Commission should not burden itself or the applicant by the injection in a hearing of issues concerning which the Commission has already satisfied itself. Furthermore, if in a particular case it appears that a hearing on a particular issue would be expensive and time-consuming, while a hearing on another issue, which might finally dispose of the application, would be relatively inexpensive and expeditious, the Commission as a matter of administrative convenience should set down the application for hearing only on the latter issue.

In the instant case the Commission was unable to find that the public interest, convenience and necessity would be served by granting the application of Hazelwood, Inc., because of the possibility of interference with the service now rendered by three other stations. If at the hearing on its application the applicant is unable to sustain the burden with respect to this issue, the Commission will enter an order denying the application, which will completely dispose of the proceedings. In such event, it would have been wholly unnecessary and wasteful of both time and money for the Commission to have ordered a hearing not only upon the issue of electrical interference but also upon other issues which might also have constituted a basis for denying the application.

It is incumbent upon any person requesting the injection of new issues in a hearing to show not only that the issues which he proposes to have the Commission add are proper matters for the Commission to consider, and that there is a basis for believing that the Commission will be required to deny the application on the new grounds alleged, but also that the proposed new issues should be heard at the hearing already set rather than at a later time. Certainly, if the issues specified by the Commission in a Notice of Hearing are in themselves a sufficient basis for denying an application if the applicant fails to sustain its burden of proof, no third person is harmed because the Commission does not also include in the hearing other and different issues, even though conceivably it may be necessary at some later time for the Commission to designate the application for further hearing if the applicant meets its burden on the issues already specified. The instant petition to enlarge issues merely states that the three issues requested for inclusion in the hearing are proper issues for the Commission to consider before acting upon the application of Hazelwood, Inc. Assuming for the purpose of this opinion but not conceding, that the three issues proposed to be included in the hearing are proper for the Commission to consider, petitioner has utterly failed to show that the insertion of these additional three issues in the hearing at this time on the application of Hazelwood, Incorporated, would expedite the disposition of this application and not merely result in a more costly, drawn out and complicated record, with no attendant advantages to the Commission or to the public.

NEWSPAPERS GAINED BECAUSE OF RADIO SAYS "NEWSDOM"

(From *Newsdom,* September 16)

"There are still diehards in the publishing business who look upon radio as a Frankenstein built by the press but ready to devour it at the first opportunity. These diehards are sincere and their opinion is to be respected. But it must be remembered that their conclusions are based on opinion, not facts. The facts show conclusively that the newspapers have not suffered, but have gained as a result of the introduction of radio. If the newspaper industry does fall upon evil days it will not be because of the bugaboo of radio but because the publishers and editors themselves have adopted a defeatist attitude and have resigned themselves to a self-imposed fate instead of devoting their talents to improving their own business.

"We can remember a few years ago when the feeling between radio and the press was bitter indeed. We did our bit to offset this and suggested that both groups bury the hatchet for it was evident that neither would gain anything in the scuffle. Happily such is the situation today. The hatchet is buried. So much so that the newspaper industry is now foremost in the defense of freedom of the air for radio. This is not all altruism on the part of the newspapers. The press realizes that once the censor gags the radio it would be only a matter of time before the press would be taken into the bureaucratic camp.

"Moreover, both press and radio overlap to the point where they are associates, not antagonists. Many newspapers may operate their own radio stations. Men and women who write for the daily press may make up a considerable portion of those who appear before the microphone. But this does not mean that the functions of the two media are the same. They are not. The function of the newspaper is first to publish the news. Entertainment is secondary. The reverse holds true of the radio where entertainment is the prime consideration and the dissemination of news of secondary importance.

"If either the press or radio departed from these main objectives both would find themselves in a pretty pickle. For the public has formed the habit of getting its news and its interpretation of the news from the newspapers. Likewise it has formed the habit of being entertained by the radio and relying on spot radio news as a supplement to the latest newspaper at hand.

"It would be futile for either the radio or the press to reverse these fundamental functions or to attempt to monopolize both. The public's habits are not necessarily fixed but it would entail the expenditure of a king's ransom to break them and the attempt would probably break those who attempted it."

UNLICENSED AMATEURS CONVICTED

The FCC announced this week that Lester B. Bentley, Max Pross and Louis D. Welsh, all of Kokomo, Indiana, have been convicted in the Federal District Court, at Indianapolis, Indiana, on charges of operating an unlicensed radio station in the amateur bands in violation of Section 318 of the Federal Communications Act. All three men were also convicted of operating the station without operator's licenses in violation of Section 301 of the Act.

Indictments were secured against each of the three defendants. They were arrested and upon arraignment in the District Court, they all entered pleas of guilty. The Court fined each defendant the sum of ten dollars.

The case was prosecuted by Val Nolan, United States Attorney for the Southern District of Indiana, on evidence supplied by Inspector H. T. Gallaher, of the field staff of the Federal Communications Commission.

The FCC also announced that Egen Stickles and Howard W. Crandall, both of Bradford, Pennsylvania, were convicted in the Federal District Court, of Erie, Pa., on charges of operating an unlicensed amateur radio station in violation of Section 318 of the Federal Communications Act. Egen Stickles was also convicted of operating the station without an operator's license in violation of Section 301 of the Act.

Both men plead guilty and were placed on probation for two years. They were also required to pay the costs of the trial. The case was prosecuted by the U. S. District Attorney in Erie on evidence supplied by Inspector Walter Davis, of the field staff of the Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF FACT

The Federal Communications Commission has announced its Proposed Finding of Fact proposing to grant the application of WSUI, **Iowa City, Iowa,** to increase its power from 1000 watts day and 500 watts night, to 1000 watts night and 5000 watts day, unlimited time on **880 kilocycles,** and to move its transmitter to a new site locally, to install new equipment, and employ a directive antenna day and night.

It its Proposed Statements of Fact, the Commission said that the operation of this station as proposed "will not involve a substantial increase in interference to any existing station as now operating or as proposed in any pending application."

The application of the Nebraska Broadcasting Corporation for the construction of a new station at **Fremont, Nebraska,** to use **1370 kilocycles,** 250 watts day, 100 watts night, unlimited hours of operation, is proposed to be granted by the Commission in a Proposed Finding of Fact.

The granting of this application, the Commission stated, will give Fremont a local station furnishing primary broadcast service to the city and its granting would be in the public interest.

DECISION OF COMMISSION

The Federal Communications Commission this week adopted the final order granting the application of the

Civic Broadcasting Corporation to construct a new station at **Syracuse, New York,** to operate on **1500 kilocycles,** 100 watts, unlimited time.

In its decision, the Commission stated that the service of no other station will be adversely affected by reason of interference caused by the operation of the proposed station. It is further stated by the Commission that the operation of the proposed station will not economically affect the operation of any station to the point where it would be unable to serve the public interest.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 9. They are subject to change.

Tuesday, October 10

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **830 kc.,** 5 KW, 5 KW LS, unlimited time (DA night). Present assignment: **830 kc.,** 1 KW, daytime.

Wednesday, October 11

WNBX—Twin State Broadcasting Corp., Springfield, Vt. (proposed studio and transmitter location, Keene, N. H.).—C. P., **1260 kc.,** 1 KW, unlimited time (DA day and night). Present assignment: **1260 kc.,** 1 KW, unlimited time (DA night).

Further Hearing

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., **1500 kc.,** 100 watts, 250 watts LS, unlimited time.

Thursday, October 12

Oral Argument Before the Commission

Report No. B-28:

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-660:

NEW—Seaboard Broadcasting Corp., Savannah, Ga.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Colonial Broadcasters, Inc., Savannah, Ga.—C. P., **1310 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

November 2

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., **620 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

November 7

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.,** 250 watts, daytime.

November 8

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.,** 100 watts, unlimited time.

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), **1410 kc.,** 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

November 20

NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.,** 1 KW, 1 KW LS, unlimited time (DA day and night).

December 11

NEW—Hazlewood, Inc., Orlando, Fla.—C. P., **1390 kc.,** 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted C. P. for new broadcast station to operate on **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

NEW—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted C. P. for new broadcast station to operate on **1210 kc.,** 100 watts night, 250 watts day, unlimited time.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Granted C. P. to install new equipment and increase power and time of operation from 100 watts, daytime only, to 100 watts night, 50 watts day, unlimited time.

W3XO—Jansky & Bailey, Washington, D. C.—Granted modification of C. P. for equipment changes in high frequency broadcast station, and extension of completion date to 120 days after grant.

W2XQR—John V. L. Hogan, New York City.—Granted modification of C. P. specifying exact transmitter site at 3104 Northern Blvd., Long Island City, N. Y., and change frequency of high frequency broadcast station from **41200 kc.** to **43200 kc.**

WGNY—Peter Goelet, Newburg, N. Y.—Granted voluntary assignment of license from Peter Goelet to the Courier Publishing Corporation (publishers of a weekly newspaper in Poughkeepsie). Station operates on **1220 kc.,** with 250 watts, daytime only.

KSAL—R. J. Laubengayer and KSAL, Inc., Salina, Kans.—Granted voluntary assignment of C. P. from R. J. Laybengayer to KSAL, Inc. (C. P. is for new station to operate on **1120 kc.,** 500 watts night, 1 KW, unlimited time).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted transfer of control of corporation from Aberdeen Broadcast Company to H. C. Jewett, Jr. (station operates on **1390 kc.,** 500 watts night, 1 KW day, unlimited, DA at night).

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted C. P. to make changes in equipment, increase power from 100 watts to 250 watts, and time of operation from daytime only to unlimited.

WTMC—John T. Alsop, Jr., Ocala, Fla.—Granted voluntary assignment of license from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc. Station operates on **1500 kc.,** 100 watts, unlimited time.

WOLS—O. Lee Stone, Florence, S. C.—Granted C. P. to make changes in composite equipment and increase power from 100 watts to 250 watts, unlimited time.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted C. P. to install new equipment and increase power from 100 to 250 watts, unlimited time.

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KORE—Eugene Broadcast Station, Eugene, Ore.—Granted C. P. to install new equipment and increase power from 100 watts to 250 watts, unlimited time.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted C. P. to move transmitter site locally, install new equipment, and change frequency from **1210 kc.** to **1370 kc.**, and increase power from 100 watts to 250 watts, unlimited time, upon condition that permittee shall file an application for modification of C. P. specifying exact transmitter location and antenna system within 2 months after effective date.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted C. P. to increase night power from 1 KW to 5 KW; move transmitter site locally to a site to be determined subject to Commission's approval.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted transfer of control of corporation from Mrs. Hugh M. (Nancy) Curtler to Mrs. Marcia Arrington, representing 2231 shares of stock.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of license to increase nighttime power from 100 watts to 250 watts, and increase time of operation to unlimited.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

INCREASE IN POWER TO 250 WATTS GRANTED

The following stations were granted modification of licenses to increase night power from 100 watts to 250 watts:

WBNY, Buffalo, N. Y.; WHBC, Canton, Ohio; WFOY, St. Augustine, Fla.; WROL, Knoxville, Tenn.; KONO, San Antonio, Tex.; KFJB, Marshalltown, Iowa; WOC, Davenport, Iowa: KOVC, Valley City, N. Dak.; KYSM, Mankato, Minn.; KLBM, La Grande, Ore.; KGKB, Tyler, Tex.; KPLT, Paris, Tex.; WCBS, Springfield, Ill.; KCRJ, Jerome, Ariz.

MISCELLANEOUS

KFVS—Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with WEBQ from 8:30 to 9 p. m., CST, on October 11, in order to broadcast a speech by Loux Lozier, Missouri State Commander of the American Legion.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4 to 5 p. m., CST, on October 11, 18, 25 and November 1, in order to broadcast children's services.

WBAA—Purdue Univ., W. Lafayette, Ind.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on October 4, in order to broadcast programs relative to 50th Anniversary of Y. M. C. A.

WPTF—WPTG Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 to 12 p. m., EST, for the period September 30 to October 29, in order to broadcast programs as described in letter of May 27.

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate simultaneously with Station KGHI from local sunset (October, 5:30 p. m., CST), to conclusion of Univ. of Ark. football games only, on October 7, 14, 21 and 28, and to operate additional time on October 6, 13, 20 and 27, to broadcast Jonesboro High School football games only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts nighttime, on October 6, 13, 20 and 27, in order to broadcast high school football games only.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted petition to amend application in Docket No. 5678.

KFNF—KFNF, Inc., Council Bluffs, Iowa.—Granted motion to dismiss without prejudice application for modification of C. P. to increase power.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition to withdraw without prejudice application in Docket 4936.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Denied petition to reconsider and vacate order of Commissioner Walker entered September 11, 1939, granting petition of Worcester Broadcasting Corp. to intervene in the hearing in re Sherer Co. application, and that said petition be placed on motions calendar for argument; exceptions noted by counsel.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted motion for order to take depositions in re application in Docket 5704.

WSAU—Northern Broadcasting Co., Inc., Wasau, Wis.—Denied petition to intervene in the hearing on the application of William F. Huffmann for a new station at Wisconsin Rapids, Wis.

WBBR—Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y.—Petition to intervene in the hearing on the application of Harold Thomas, Bridgeport, Conn., for a new station, was withdrawn.

NEW—Harold Thomas, Bridgeport, Conn.—Granted motion for leave to amend application for C. P. so as to request **1420 kc.**, instead of **1310 kc.**, and hearing scheduled for October 9, cancelled.

NEW—Hazlewood, Inc., Orlando, Fla.—Granted motion for continuance of hearing now scheduled for October 13, for about 60 days, new date to be fixed by Secretary.

WBNY—Roy L. Albertson, Buffalo, N. Y.; WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted motion that application of WBNY for modification of license be dismissed without prejudice; and hearing on application of WSVS for renewal of license cancelled.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate additional time from October 4, to broadcast World Series games only, no other programs authorized.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate nights of October 7, 9, 13 and November 3, in order to broadcast football games only; no other programs authorized.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate additional time on October 27, November 3, 11 and November 17, in order to broadcast high school games only.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 7 to 8 p. m., CST, on October 1, in order to broadcast the American Forum of the Air only, during which program there will be a discussion of the neutrality situation by Senator Van Nuys.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with WFAS from 4 to 5 p. m., EST, on September 30, October 7, 14, 21, and 28, in order to broadcast football games.

KMPC—The Station of the Stars, Inc., Beverly Hills, Cal.—The Commission, upon its own motion, modified its decision in the matter of KMPC, and dismissed the petition of Leland M. Woods in this matter. An Order modifying its decision of January 16, 1939, was adopted.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—Granted petition to reopen hearing in re Docket 5298, application of Enrique Abarca Sanfeliz, and Docket 4610, the application of United Theatres, Inc., both for new stations in San Juan, P. R.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Denied petition to intervene and request for enlargement of issues, in re application of KMAC, San Antonio, for C. P. to change frequency, increase power and time of operation.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Dismissed motion to fix same hearing date and consolicate cases, in re applications of KMAC and KABC, San Antonio, Dockets 5626 and 5716.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied motion to amend Commission's Notice of Hearing or to enlarge the issues contained therein, in re application of KMAC, Docket 5626.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to intervene in re the hearing on application of KMAC, Docket No. 5626, scheduled for November 14.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Dismissed petition for intervention in re application of KABC, San Antonio, Texas, Docket 5716.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Dismissed petition to amend Commission's Notice of Hearing or enlarge the issues contained therein, in re application of KABC, Docket 5716.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Dismissed petition to intervene and request for enlargement of issues, in re application of KABC.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Dismissed petition to intervene in re the hearing on application of KABC.

WGBF—Evansville On the Air, Inc., Evansville, Ind.—Dismissed petition for leave to intervene in re application of KABC.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Denied petition to intervene and request for enlargement of issues in re application of Hazlewood, Inc., for new station.

WABC—Columbia Broadcasting System, Inc., New York City.—Denied petition to intervene in the hearing on the application of WHDH, Boston, Mass., for C. P. to increase power and time of operation, scheduled for hearing on October 10.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted petition to dismiss application without prejudice, in re Docket 5716.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition to intervene in re the hearing on the application of WHDH, scheduled for hearing on October 10.

WNOX—Scripps-Howard Radio Inc., Knoxville, Tenn.—Denied petition for intervention and enlargement of issues in re application of WROL, Knoxville, Tenn., to change frequency and increase power, scheduled for hearing on November 2, 1939.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Denied petition to intervene in the hearing on the application of WROL.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.; NEW—Lillian Kiefer, Brooklyn, N. Y.; WWRL—Long Island Broadcasting Corp., Brooklyn, N. Y.; NEW—Paul J. Gollhofer, Brooklyn, N. Y.; WCNW—Arthur Faske, Brooklyn, N. Y.—The Commission on its own motion extended the effective date of provision (3) of its Order of December 5, 1938, 30 days from October 2, 1939. This provision in the Order cancelled the modification of license mailed on June 16, 1938, to WWRL authorizing it to include in the operating time of its station the time previously utilized by WMBQ, and its orders extending effective date of said provision until October 2, 1939.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Designated for further hearing the application of KFIO to operate with 1 KW on **950 kc.**, upon the following issues: (1) to determine the extent of interference which may be caused to station CJRM, Regina, Sask. (2) to determine the extent of interference which may be caused to the operation of Stations KFWB and KGVO operating with 5 KW, unlimited hours, as requested in pending applications, and (3) to determine whether by use of the facilities sought the applicant can provide service to this area in accordance with the Standards of Good Engineering Practice and the Commission's plan of allocation.

WFYB—Columbia Broadcasting System, Inc., Portable-Mobile (area of Cincinnati, O.).—Granted modification of license to change associated standard broadcast station from WKRC, Cincinnati, to WABC-WBOQ, New York.

NEW—KRIC, Inc., Portable-Mobile (area of Beaumont, Tex.).—Granted C. P. for new low frequency relay broadcast station to operate on frequencies **1646, 2090, 2190, 2830 kc.**; 40 watts.

WEJV—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago).—Granted C. P. to make changes in equipment and reduce power in high frequency relay broadcast station from 0.5 to 0.25 watts. Also granted license for same.

NEW—Arizona Broadcasting Co., Inc., Portable-Mobile (area of KVOA, Tucson, Ariz.).—Granted C. P. for new high frequency relay broadcast station to operate on frequencies **31220, 35620, 37020** and **39260 kc.**, 10 watts.

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—Continued hearing now scheduled for October 9 to November 9 on the applications of The Mayflower Broadcasting Corp. for C. P. for a new station, and the application of WAAB, Boston, for renewal of license.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Reopened for further hearing the matter of amended application of Lakeland Broadcasting Co. for a new station to operate on **680 kc.**, with 250 watts power, daytime only, upon the following issues: (1) To determine legal and financial qualifications of applicant to construct and operate the proposed station; (2) because of pendency of another application with which conflict may be had by reason of interference, i.e., KFEQ, Inc., St. Joseph, Mo.; and (3) to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

WJBW—Charles C. Carlson, New Orleans, La.—Upon petition of WJBW the Commission cancelled the hearing upon application for renewal of license and granted renewal of license for station WJBW.

WEJX—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago).—Granted C. P. to install new equipment and reduce power in high frequency relay broadcast station from 0.5 to 0.25 watts. Also granted license to cover same.

WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted modification of C. P. approving studio and transmitter sites and installation of vertical radiator.

WDSM—WDSM, Inc., Superior, Wis.—Granted modification of C. P. extending completion date from September 17 to October 17, 1939.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted authority to install automatic frequency control.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. to install auxiliary transmitter at present main transmitter site, using 1 KW power, for emergency use only.

KEIM—KTAR Broadcasting Co., Phoenix, Ariz.—Granted C. P. to make changes in equipment and increase power of high frequency broadcast station from 10 to 25 watts.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted modification of C. P. approving transmitter site, installation of vertical radiator and composite equipment for 250 watts.

WABE—Central New York Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.).—Granted license to cover C. P. for low frequency relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.**, 12 watts.

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Granted license to cover C. P. for new station to operate on **1260 kc.**, 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.

KBRG—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted license to cover C. P. for new low frequency relay broadcast station, frequencies **1606, 2022, 2102** and **2758 kc.**, 100 watts.

WAIO—WDZ Broadcasting Co., Tuscola, Ill (Portable-Mobile).—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.**, 10 watts.

NEW—Midland Broadcasting Co., Kansas City, Mo.—Granted license for new high frequency relay broadcast station, frequencies **31220, 35620, 37020** and **39260 kc.**, power 25 watts, for relaying programs or orders concerning such programs, and power of 50 watts on **31220 kc.** for transmission of orders only.

WJPR—John R. Pepper, Greenville, Miss.—Granted modification of C. P. approving studio and transmitter sites, and installation of vertical radiator.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority as follows: to operate October 1, 6 to 6:30 p. m., CST, Salute to Americanism of Jewish War Veterans, Louisville Post, and 8 to 9 p. m., CST, evening services commemorating 20th anniversary of Pastorate Rev. Finley Gibson; October 5, 6 to 6:30 p. m., CST, high school football rally; October 6, 6:15 to 6:30 p. m., CST, National Fire Prevention Week speaker, Louisville Fire Dept., and University of Louisville v. Evansville football game, for duration of game only. The above authorizations are for specific programs listed—not from local sunset.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted special temporary authority to operate on frequency **110 mc.**, for a period not to exceed 30 days, pending alterations in equipment to permit operation on a higher frequency and pending action by Commission on pending application for change in classification of station.

NEW—Seaboard Broadcasting Corp., Savannah, Ga.—This case was set for oral argument on September 29th, at which time argument was called and continued indefinitely because of the pendency of an appeal in the case of Arthur Lucal for a new station at Savannah, Ga., which has been decided by the Court of Appeals. Oral argument is now scheduled for October 12 in re the Seaboard Broadcasting Corp. application.

NEW—Colonial Broadcasters, Inc., Savannah, Ga.—Same, except argument on Colonial Broadcasters, Inc., scheduled for October 12.

WIEH—Knickerbocker Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate a Learadio Transmitter No. T 30 AB, C.A.A., approval No. 334, on frequency **2790 kc.,** 20 watts power, aboard an Eastern Airlines plane flying over World's Fair from 10:45 to 11 p. m., EST, on October 3, test period to begin approximately 8 p. m.; program pick-up point to be at Administration Building, and to be broadcast over station WMCA.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate with 250 watts from 7:45 p. m., EST, to the conclusion of Sharon High School football games on October 6, 20 and 27.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from local sunset (October 5:30 p. m. and November 5 p. m., EST) to 6 p. m., EST, on October 7, 21, 28, November 4, in order to broadcast football games as described in telegram received September 26.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate additional time simultaneously with station WGBF with reduced power of 250 watts on October 5 in order to permit WGBF to broadcast football games between Catholic High School and Chattanooga High School only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time to the conclusion of high school football games on October 12, 13, 19, 20, 26 and 27, while actually broadcasting games only.

W2XBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast experimental station W2XBT on the frequency band **156-162 mc.,** for the period October 12 to November 10, pending adjustment of the license to conform with provisions of Sec. 4.74.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with KEEN from 12 noon to 1:30 p. m., PST, for the period beginning October 5 and continuing for the duration of the World Series, while actually broadcasting World Series games only.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate additional time simultaneously with KBST on October 20 and 27, and November 3, 10 and 17, in order to broadcast Hobbs High School football games only.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate additional time on November 3, 11, 18, 24 and 30, 1939, in order to broadcast Port Arthur High School football games only, using 100 watts only.

W3XDS—RCA Mfg. Co., Inc., New York City.—Granted special temporary authority to operate general experimental station W3XDS using the frequency **950 kc.,** with power of 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2 to 7 a. m., EST, on Sundays; midnight to 5 a. m., EST, Mondays; and 1 to 5 a. m., EST, from Tuesday through Saturday, for the period October 5 and ending no later than October 22, 1939.

APPLICATIONS FILED AT FCC

640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—License to cover C. P. (B4-P-2402) for changes in equipment and move of studio and transmitter site.

800 Kilocycles

WFAA—A. H. Belo Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power.

880 Kilocycles

WRNL—Richmond Radio Corporation, Richmond, Va.—License to cover C. P. (B2-P-2378) to install auxiliary transmitter for emergency use.

920 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—License to cover C. P. (B5-P-1540) as modified to change frequency, increase power, change hours of operation, move transmitter, install directional antenna (for night use) and new transmitter.

KVOD—Colorado Radio Corp., Denver, Colo.—Authority to determine operating power by direct measurement of antenna power.

940 Kilocycles

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use.

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install directional antenna for day and night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

WCSH—Congress Square Hotel Co., Portland, Maine.—Construction permit to install directional antenna for day and night use, increase power from 1 KW, 2½ KW LS, to 5 KW day and night.

1130 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to change frequency from **1130 kc.** to **1040 kc.;** change power and hours of operation from 20 KW, limited time, to 10 KW, 20 KW LS, unlimited time; and install directional antenna for night use.

1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to install new transmitter and directional antenna for night use; increase power from 25 to 50 KW; change hours of operation from simultaneous day, shares WAPI night, to unlimited.

1160 Kilocycles

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1160 kc.** to **1140 kc.;** increase power from 5 to 50 KW; change hours of operation from simultaneous day, share nighttime with WOWO, to unlimited; move transmitter 14 miles, from Bells Lane, 8½ miles northeast of Wheeling, W. Va., to R.F.D., St. Clairsville, Ohio.

1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of C. P. (B3-P-2348) for changes in equipment, further requesting changes in transmitting equipment and increase in power from 100 watts to 250 watts; extend commencement and completion dates 10 and 15 days respectively.

KWNO—Maxwell H. White and Herman R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WJHL—W. Hanes Lancaster and J. W. Birdwell. d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Voluntary assignment of license from W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., to WJHL, Incorporated.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts day and night.

WDSM—WDSM, Inc., Superior, Wis.—License to cover C. P. (B4-P-770) as modified for a new station.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corporation, Lincoln, Nebr.—Construction permit to make changes in equipment.

1250 Kilocycles

WKST—Keystone Broadcasting Co., New Castle, Pa.—Modification of C. P. (B2-P-2428) for equipment changes. increase in power, further requesting changes in transmitting equipment, extend commencement date 10 days after grant and completion date 120 days thereafter.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to install new transmitting equipment, and increase power from 250 watts to 500 watts, 1 KW LS.

1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Voluntary assignment of license and permit from Charles Leo Lintzenich to Fred O. Grimwood.

1310 Kilocycles

NEW—Star Printing Co., Miles City, Mont.—Construction permit for new station to be operated on **1310 kc.,** 250 watts power, unlimited time.

KUIN—Southern Oregon Broadcasting Company, Grants Pass, Ore.—Modification of C. P. (B5-P-2245) for a new station. requesting approval of antenna and approval of studio and transmitter site at Redwood Highway, Grants Pass, Ore.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of C. P. (B3-P-1714) for a new station, requesting approval of antenna and approval of studio site at 7th Floor, Liberty National Bank Bldg., Bull and Broughton Sts., Savannah, Ga., and transmitter site at President St., 1 mile east of Savannah, Ga. Amended: Re equipment.

WLBJ—Bowling Green Broadcasting Co., Bowling Green, Ky.—Modification of C. P. (B2-P-2194) for a new station, requesting approval of antenna and approval of studio and transmitter site at Cemetery Pike and Lehman Ave., Bowling Green, Ky. Also requesting an increase in power from 100 watts, 250 watts LS, to 250 watts day and night; installation of new transmitter.

WBRK—Harold Thomas, Pittsfield, Mass.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1370 Kilocycles

KFRO—Voice of Longview, Longview, Tex.—Modification of C. P. (B3-P-2117) to change frequency; increase power; change hours of operation; move transmitter; install new transmitter and directional antenna for night use, further requesting change in type of transmitting equipment; changes in antenna; and move of transmitter to Longview-Marshall Highway, Longview, Tex., and extend commencement and completion dates 60 and 180 days respectively. Amended: Re antenna.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Modification of C. P. (B3-P-2320) to make changes in equipment, increase power, further requesting extension of commencement date from 5-6-39 to 11-6-39 and completion date from 11-6-39 to 5-6-40.

WHUB—M. L. Medley, Cookeville, Tenn.—Modification of C. P. (B3-P-2298) for a new station, requesting new transmitter equipment, approval of antenna and approval of transmitter at 807 Hickory St., Cookeville, Tenn., and approval of studio site at 109 Broad St., Cookeville, Tenn. Amended: To request 250 watts power day and night, give transmitter site as Cookeville, Tenn., and studio as 807 Hickory St., Cookeville, Tennessee.

1390 Kilocycles

NEW—Mollin Investment Co., Riverside, Calif.—Construction permit for new station on **1390 kc.,** 500 watts, daytime operation. Amended: Re equipment.

1400 Kilocycles

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Modification of license to change frequency from **1400** to **1200 kc.**

1420 Kilocycles

WJMS—WJMS, Inc., Ironwood, Mich.—License to cover C. P. (B2-P-2426) for increase in power, and change in equipment.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Modification of license to increase power from 100 watts, 250 LS to 250 watts day and night.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license to increase power from 100 watts, 250 LS to 250 watts day and night.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

1430 Kilocycles

WOKO—WOKO, Incorporated, Albany, N. Y.—Extension of special experimental authority to operate a facsimile station from 2 to 5 a. m., for regular license period.

NEW—Jack Hazard, San Diego, Calif.—Construction permit for a new station on **1430 kc.,** 500 watts, unlimited time. Amended: Re: equipment.

1450 Kilocycles

KCMO—Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitting equipment, increase power from 1 KW to 1 KW; 5 KW LS.

1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of C. P. (B3-P-2436) for new transmitter, antenna, move and increase in daytime power, requesting approval of transmitter site at Manor Road, Austin, Texas, antenna changes and new transmitter. Amended: To give transmitter site as East 5th & Tillery Sts., Austin, Tex.

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station on **1500 kc.,** 100 watts; 250 watts LS, unlimited time.

NEW—The Post Search Light Co., Bainbridge, Ga.—Construction permit for a new station on **1500 kc.,** 100 watts; 250 LS, unlimited time.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to determine operating power by direct measurement of antenna power.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa—Modification of C. P. (B4-P-1147) as modified, for new antenna, move of studio and transmitter site, further requesting increase in power from 100 watts; 250 watts LS to 250 watts day and night.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—License to cover C. P. (B2-P-1848) as modified for a new station.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Va. —License to cover C. P. (B3-P-2413) to increase power, move transmitter, new equipment, and changes in antenna. Amended: Night power.

MISCELLANEOUS

NEW—International Broadcasting Corp., area WOV, New York, N. Y.—Construction permit for a new relay broadcast station to be operated on **30820, 33740, 35820, 37980 kc.,** 2 watts power, A-3 emission. Amended: To request frequency of **31220, 35620, 37020, 39260 kc.**

NEW—International Broadcasting Corp., area of WOV.—License to cover above. Amended: Re: frequencies.

WABD—Central New York Broadcasting Corp., area of Syracuse, N. Y.—License to cover C. P. (B1-PRE-278) for a new relay broadcast station.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-19) for a new transmitter location.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-19) for move of transmitter.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Modification of license to change from developmental to high frequency broadcast station to be operated on **117,190 kc.,** special emission.

WELK—WCBS, Inc., Springfield, Ill.—License to cover C. P. (B4-PRE-276) for equipment changes and increase in power.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Esquire Products—In a complaint Martin Benjamin Rothman, trading as Esquire Products, 216 North Clinton St., Chicago, was charged with using lottery devices in the sale and distribution of radios, waffle irons, silverware, coffee tray sets, pencils and griddles. According to the complaint, the respondent furnished various push cards accompanied by order blanks, instructions, and other printed matter for use in the sale and distribution of his merchandise by means of a lottery scheme. Alleging violation of the Federal Trade Commission Act, the complaint granted the respondent 20 days for filing answer to the charges. (3902)

Hershel California Fruit Products Company, Inc.—A complaint has been issued against Hershel California Fruit Products Company, Inc., San Jose, Calif., alleging violation of the Federal Trade Commission Act through misleading representations concerning its product, a tomato paste.

It was alleged that through use of phraseology in the Italian language, depictions of Italian type tomatoes, and other representations relative to Italy or Italian origin, the respondent led purchasers to believe that its tomato paste was made in Italy from Italian tomatoes, then imported into the United States, and that its "Contadina Brand" tomato paste was duly awarded the first grand prize at the Milan Exposition of 1922.

Pointing out that many purchasers prefer tomato paste made in Italy from Italian tomatoes, the complaint alleged that the respondent's representations were misleading in that its product was made in California from tomatoes grown in the United States, and that it was not awarded a prize at Milan. (3901)

Johns-Manville Corporation and Johns-Manville Sales Corporation, 22 East 40th St., New York, were charged in a complaint with the dissemination of misleading advertising in the sale of an insulating material designated as "Rock Cork." According to the complaint, the respondents had been advertising to the effect that Rock Cork was an entirely mineral product, when in truth it contained approximately 88 per cent mineral and 12 per cent vegetable matter. The respondents were granted 20 days for filing answer to the alleged violation of the Federal Trade Commission Act. (3899)

National Grain Yeast Corporation—A complaint has been issued against the National Grain Yeast Corporation, Belleville, N. J., charging it with price discrimination and payment of brokerage in violation of the Robinson-Patman Act, and with giving secret gratuities in violation of the Federal Trade Commission Act.

According to the complaint, the respondent has been discriminating in price by allowing to certain purchasers of its bakers' yeast used in the manufacture of bread and allied products, different prices than allowed other of its competing purchasers for products of like grade and quality. It is alleged that further discrimination in price between different competing purchasers of its products is brought about as a result of the respondent's delivering, without specific charge, large quantities of bakers' yeast to certain of its purchasers, in addition to yeast actually sold to these same purchasers, thus reducing the cost to favored purchasers of the yeast actually bought, while at the same time not furnishing such additional yeast to other competing purchasers who pay the same price per pound for the product. The respondent also has allegedly been granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers and not to others who pay in the same manner and within the same time as those receiving such discounts. (3903)

Ranson Electric Company—False representations that Japanese manufactured incandescent lamp bulbs were made in the United States, is charged in a complaint against Ben Ransom, trading as Ranson Electric Company, 147 Second Ave., North, Nashville, Tenn.

According to the complaint, the respondent, in order to conceal from prospective purchasers the source of origin of its product, removed from imported Japanese electric lamp bulbs the label "Made in Japan," then inserted the bulbs into wrappers and packed them into cartons upon which were printed the words "Lednew Lamps," "Made in U. S. A.," "The Lednew Corporation," so as to signify that they were manufactured in the United States by the Lednew Corporation.

The respondent allegedly packed and sold American manufactured bulbs in packages or containers marked with the name of a manufacturing concern which was not the true manufacturer thereof, and misleadingly represented, directly and by implication, that the United States Bureau of Standards has adopted and promulgated specifications for incandescent electric lamp bulbs, when in truth the Bureau of Standards has made no such specifications with which the respondent's bulbs could conform. (3905)

Roxanna Canning Company—A complaint has been issued charging misleading representations in the interstate sale of certain products distributed by the Roxanna Canning Company, Lebanon, Ohio. This company, according to the complaint, distributes various brands of dog food under the trade names of Harty Dog Food Company and Dodds Packing Company.

It was alleged that the respondent company represented that its "Harty Brand" and "Blackspot Brand" dog foods contain beef by-products, ground beef bone and beef, and that its foods are scientifically balanced rations, and scientifically balanced beef rations, when such are not the facts. (3904)

C. F. Sauer Company—A complaint issued in November, 1938, in which the C. F. Sauer Company, 2000 West Broad St., Richmond, Va., was charged with price discrimination in the sale of extracts, spices, mayonnaise, salad dressing and drugs, in violation of the Robinson-Patman Act, has been amended.

The amended complaint alleged that payments by the respondent for transportation services and facilities in connection with the handling of its commodities, have been granted to some customers and denied to others.

It was alleged that deductions from invoice price of amounts equalling the cost of delivery by common carrier were granted certain customers, who utilized their own trucks and were not required to pay the common carrier charges, but that this facility was denied to competing customers having trucks available. (3646)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Etablissements Rigaud, Inc., 79 Bedford St., and E. Fougera & Co., Inc., 75 Varick St., New York, were ordered to discontinue misleading representations in tbe sale of perfumes.

Findings of the Commission are that the respondents had represented that Etablissments Rigaud, Inc., is a French firm with its headquarters in France, and that the respondents' perfumes are made in France and imported into this country, when in truth, Etablissements Rigaud, Inc., is not a French firm and has no foreign office, and its perfumes are domestic products made in the United States by blending domestic and imported ingredients.

Under the order, the respondents are to cease representing, through the use of the term "Paris," or "Paris, France," or any other terms indicative of foreign origin, that perfumes which are compounded in the United States are made in France or in any other foreign country, provided, however, that the country of origin of the various ingredients may be stated when immediately accompanied by an explanation that such products are made or compounded in the United States.

The order further forbids use of brand or trade names such as "Un Air Enbaumé," "Riguad," "Igora," or any other foreign terms, to refer to perfumes made in the United States, without clearly stating that such products are of domestic origin. The respondents also are to discontinue use of any French or other foreign terms to designate perfumes made or compounded in the United States, unless the English translation, or its equivalent, appears as conspicuously and in immediate conjunction therewith. (3337)

E. Fougera & Company, Inc.—See Etablissements Riguard, Inc.

International University of Commerce—Prohibiting misleading representations in the sale of correspondence courses in business subjects, a cease and desist order has been issued against a Chicago organization formerly known as International University of Commerce, and its president, Paul V. Manning. The respondent corporation is now known as International School of Commerce.

Among practices prohibited were representations that the respondents maintain a faculty or staff of instructors or a staff of certified public accountants; that the opportunities in the field of accountancy for students finishing the respondents' course are unlimited; that the respondents' course is superior to those of competitors and that their school is the largest of its kind in the United States.

The order also forbids the representation that the respondents' course is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of the respondents' course, until such are the true facts.

Use of the word "university" to represent that the respondents conduct an institution of higher learning, is also prohibited under the order. Findings of the Commission are that the word "university" was dropped from the respondents' corporate name as of August 1, 1938. (3543)

National Institute for Physical Advancement—Karl W. Peters, trading as National Institute for Physical Advancement, 113 West 57th St., New York, has been ordered to discontinue misleading representations in the sale and distribution of a physical culture book designated "Bust Culture." Under the order, the respondent is to discontinue representing that any woman can obtain a beautiful bust by following the method outlined in the respondent's book; that the method has helped millions of women or any other exaggerated number in excess of the actual number of women who have tried and been helped by such method, or that the method has been found effective in all cases. (3460)

Peanut Specialty Company, 400 West Superior St., Chicago, has been ordered to discontinue selling or otherwise disposing of candy or other merchandise by use of push or pull cards, punchboards or other lottery devices. The order further directed the respondent company to cease packing or assembling in the same assortment for sale to ultimate consumers, candies of uniform size and shape having centers of a different color, together with larger pieces of candy, the larger pieces to be given as prizes to purchasers procuring a piece of candy having a center of a particular color. (2273)

STIPULATIONS

The Commission has entered into the following stipulations:

Certified Silk Hosiery Company—H. D. Heyman, trading as Certified Silk Hosiery Company, 221 West Washington St., Chicago, agreed to cease representing, in connection with his sale of "Certified Hosiery," "Certified Shirts," and "Certified Lingerie," that any of his selling plans is "Free" so long as any charge is made, deposit required, or service is to be rendered therefor; that agents can earn amounts in excess of the average amount consistently made by a substantial number of his representatives under normal business conditions; that the socks he distributes eliminate the need for darning or will give almost double ordinary wear, or that the thread composing such products is made by a revolutionary new process. The respondent further agreed to cease using the word "Certified" in his trade name, or otherwise, to represent that the quality, cut design, composition or any other feature of his product is "Certified," unless such are the facts. It was also stipulated that the respondent will cease using the word "Silk" as a part of his trade name, or otherwise, to designate any merchandise which is not composed wholly of silk, unless such trade name or phrase containing the word "Silk" shall be accompanied by a full disclosure of the fabric content of each garment. (02439)

Hercules Leather Goods Company—Jacob Hyman and Jacob Zichlinsky, trading as Hercules Leather Goods Company, 130 West 27th St., New York, agreed to cease using the term "Hercuhyde" as a trade name, stamp, brand or label for brief cases which are not made from leather or hide. The respondents will also discontinue using the word "Hyde" or any other simulation of the word "hide," either alone or in connection with the letters "Hercu," or any other words, so as to imply to purchasers that the product referred to is composed of leather or hide, when such is not a fact. (2543)

Ralph H. Jones Company, Cincinnati, an advertising agency, has entered into a stipulation to discontinue misleading representations in the advertisement of a fruit juice product distributed by The Kroger Grocery and Baking Company, Cincinnati.

Likewise, the Commission accepted from the Kroger company a stipulation to discontinue similar representations in the sale of its product.

This is the second case in which an advertising agency has entered into a stipulation with the Commission to discontinue misleading representations in connection with the advertising copy of one of its accounts.

The agency agreed to cease disseminating advertisements which represent, directly or by implication, that sugar syrup is usually used in flavoring grapefruit juice, or that "Kroger's Country Club Brand Grapefruit Juice" is the only grapefruit juice to which dry sugar is added. (02441)

The Kroger company stipulated that it will cease advertising, directly or by implication, that sugar syrup is usually used in flavoring grapefruit juice and will desist from the representation or implication that its product is the only grapefruit juice to which dry sugar is added. The respondent also agreed to discontinue representing or implying that competing products of equal quality contain a lesser quantity, unless such is an actual fact, and to cease otherwise making any misleading or disparaging statement regarding competing products or any false comparison therewith. (02442)

Kroger Grocery & Baking Company—See Ralph H. Jones Company.

LeJay Manufacturing Company—L. D. Leach, trading as LeJay Manufacturing Company, 1406 West Lake St., Minneapolis, in the sale of the "LeJay Electric Fence Controller," a device for electrifying stock fences, agreed to cease representing that one strand of wire, when used in conjunction with the controller, will confine animals of varying sizes, or will confine animals as efficiently as a fence of several strands, or that it will enable users to save 80 per cent of livestock fencing costs, unless the circumstances of such saving are clearly explained. The respondent will also cease representing that a single charged wire can be used successfully in restraining all animals, or, by any general terminology, that it will restrain animals possessing a coat of hair which in fact forms a natural insulation against the charge. (02440)

Luxor, Ltd., 1355 West 31st St., Chicago, agreed to cease representing that its cosmetic designated as "Luxor Special Formula Cream," or any other similar cosmetic, is a new type of cleansing cream; is the product of unlimited research; reaches into the pores of the skin, or will cleanse and beautify the skin better than any other cream. The respondent further agreed to cease advertising that for centuries cold creams and cleansing creams have been made with oils bodied up with waxes, unless qualified to indicate that not all of such creams contained waxes. Further representations to be discontinued are that a cosmetic designated "Luxor Complexion Powder," or any other similar cosmetic, possesses sensational resistance to moisture that is a real mystery, or affords real beauty protection. (02438)

Magnesia Products Company, 3519 N. Hubbard St., Milwaukee, stipulated that it will cease representing that articles supplied in its packages of bird food are "Free," when their cost is included in the price of the complete package; that the packages contain one pound net weight of bird seed, when the content is less than one pound; that the contents of a package are "Imported Bird Food," when any portion of it is domestic seed; that its grit cube contains all mineral and other elements necessary for bird health, or that such elements may be obtained only in the grit cube offered for sale by the respondent, when such are not the facts. (2544)

FTC CLOSES CASE

The Federal Trade Commission closed its case in which Robert E. Waterman, trading as National Pottery Distributors, Roseville, Ohio, was charged with using unfair trade practices in the sale of earthenware kitchen utensils.

Due to unsuccessful efforts to locate the respondent, who has no permanent residence or place of business, the Commission closed its case without prejudice to its right to reopen it, should future facts so warrant.

FCC Assignments For October

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF October
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner Frederick I. Thompson
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Thad H. Brown
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Paul A. Walker
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Norman S. Case
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner T. A. M. Craven
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner George Henry Payne
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports

The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 41, October 13, 1939

Code Developments

Asserting that "the broadcasting industry is to be congratulated for this sane and orderly procedure" in the handling of public controversial issues, Matthew Woll, Vice President of the American Federation of Labor, last Friday praised the new NAB Code, speaking from Cincinnati where the A. F. of L. convention was in session.

The full text is carried elsewhere in the REPORTS.

On Tuesday, the Code Committee announced it had found that sponsored broadcasts on paid time in behalf of the Townsend Plan would constitute a discussion of a public controversial issue and therefore would be unacceptable under the terms of the new Code, except in those states where the Townsend Plan is "a public proposal subject to ballot" in the current elections.

This was the second major finding of the Committee, which had previously found that discussions of neutrality revision were discussions of a "controversial public issue" and would be unacceptable on paid time.

Meanwhile, the matter of Elliott Roosevelt's announced intention to violate the Code on his broadcast of October 7, in which he publicly announced that on this broadcast he would undertake to express a personal opinion about neutrality on a commercial news commentator's program, was referred to the Mutual Broadcasting System.

In making public its finding on the Townsend Plan, the Committee pointed out that during political campaigns, adherents of the Townsend Plan may buy time "in behalf of or in opposition to qualified candidates for public office," as provided by law, or may buy time "in behalf of or in opposition to a public proposal subject to ballot," as further provided by the Code. In the interim, it was pointed out that representative spokesmen would be given free time, in accord with individual station policy, and in accord with the public interest, program balance and availability of time.

It was emphasized again that the Code does not deny the right of free speech to anyone. It simply denies the opportunity to buy time and to monopolize radio for one-sided discussions of public issues.

Inquiry about the Townsend Plan was made by a member station who had been approached by an agent for the "Townsend Plan Broadcasts". The agent sought to purchase fifteen-minute units of time, not earlier than 6:30 p. m., stating that the new series of

(Continued on page 3768)

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

CODE DEVELOPMENTS

(Continued from page 3767)

programs, scheduled to start about October 15, would present various Senators, Congressmen, Dr. Francis E. Townsend and others, and that an endeavor would be made to establish new Townsend Clubs, to solicit new members and to sell literature.

A. F. of L. Vice President Praises NAB Code

From the speech of Matthew Woll, vice president of the American Federation of Labor, who spoke over the network of the Columbia Broadcasting System, Friday, October 6:

> "In our conventions for the past several years, radio has been a subject commanding deep interest. It is so this year. Labor's message has been taken to millions over the air. And Labor was pleased to learn this week that the broadcasting industry made an important move, while our convention has been in session, in defense of democracy by guaranteeing that Radio would continue to provide an open forum for discussion of public issues. As Labor understands the industry's new code of program standards, it guarantees that no one side shall monopolize the air waves when a great public issue arises, but that all sides—majorities and minorities, rich and poor alike—shall have free access to the microphone to state their case. This is in the best tradition of democracy and I think the broadcasting industry is to be congratulated for this sane and orderly procedure, which rules out domination either by force of numbers or by force of wealth. On that front, at least, power politics has been defeated."

NEW ACCOUNTING COMMITTEE APPOINTED

President Miller announced the appointment of the members of the Accounting Committee for the ensuing year as follows: C. T. Lucy, WRVA, Richmond, Virginia, Chairman; H. W. Batchelder, WFBR, Baltimore, Maryland; S. R. Dean, Columbia Broadcasting System, New York, N. Y.; E. J. Gluck, WSOC, Charlotte, North Carolina; N. L. Kidd, WSYR, Syracuse, New York; and Harry F. McKeon, National Broadcasting Company, Inc., New York, N. Y.

The Accounting Committee, during the past year, has been one of the most active of the NAB Committees. It held several meetings and had numerous conferences with Mr. William Norfleet and Mr. De Quincy Sutton of the Accounting Department of the FCC. As a result of Mr. Norfleet's and Mr. Sutton's cooperation with the Committee, the new financial questionnaire which soon will be sent to all stations, will be much shorter and easier to answer than previous questionnaires. It is also expected that stations doing a gross business under $25,000 a year will find that portion of the questionnaire which they will be required to answer greatly simplified. The Committee has reason to believe that it will be necessary to answer and file only one questionnaire a year.

The NAB Accounting Committee expects to hold a meeting shortly at which time a standardized station program log will be developed for the use of stations, as Headquarters Office has received many requests for assistance and help of this kind.

Miller to Address Civil Liberties Union

Neville Miller, NAB president, will address the meeting of the American Civil Liberties Union in New York, Saturday, October 14. His address will be carried over the network of the Mutual Broadcasting System at 1:30 P. M., EST.

Others on the Civil Liberties program include Attorney General Frank Murphy and Senator Elbert D. Thomas (D) of Utah.

Mr. Miller will discuss the underlying principles of the Code, which has been warmly endorsed by the American Civil Liberties Union.

FCC UPHOLDS PAYNE DECISION

Decision of Federal Communications Commissioner, John Henry Payne, in connection with an intervention rule was unanimously upheld by the Commission this week. The Payne decision was printed in full in last week's issue of NAB Reports. In connection with this the Commission made the following official statement:

> The Federal Communications Commission announced that the Commission had unanimously upheld the action taken by Commissioner Payne on October 2, 1939, in denying the petition of Orlando Broadcasting Company, Inc. (WDBO), Orlando, Florida, to intervene in the hearing on an application of Hazlewood, Inc., for a new station in Orlando, Florida, to operate on 1390 kc., with 1 KW, unlimited time.
>
> Commissioner Payne's decision was an interpretation of the Commission's rule relating to intervention and enlargement of issues. The rule reads as follows:
>
>> "Sec. 1.102 Intervention. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed or verified in accordance with Sec. 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any

recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

In his decision Commissioner Payne states:

> "In many cases the major function served by intervenors was to impede the progress of the hearing, increase the size of the record, confuse the issues and pile up costs to the applicant and to the Commission through the introduction of cumulative evidence, unnecessary cross-examination, dilatory motions, requests for oral argument and other devices designed to prevent expeditious disposal of Commission business."

The decision further states:

> "It is incumbent upon any person requesting the injection of new issues in a hearing to show not only that the issues which he proposes to have the Commission add are proper matters for the Commission to consider and that there is a basis for believing that the Commission will be required to deny the application on the new grounds alleged, but also that the proposed new issues should be heard at the hearing already set rather than at a later time."

Other applications affected adversely by the denial of the Orlando Broadcasting Company's petition, are as follows:

Station KMAC, San Antonio, Texas; Station KTSA, San Antonio, Texas; Station WOAI, San Antonio, Texas; Station WROL, Knoxville, Tenn.; Station WNOX, Knoxville, Tenn.; Station WFLA, Tampa, Fla., and Station WHDH, Boston, Mass.

COURT BROADCAST CASES

Supreme Court of the United States this week granted a review of the case of the Pottsville Broadcasting Company and denied a review in the case of WOW.

In the Pottsville Broadcasting Company case, the Federal Communications Commission denied an application of the Company for a new station at Pottsville, Pa., to use 580 kilocycles, 250 watts, daytime operation. The Pottsville Company case was denied in the lower court and the Supreme Court has now granted an appeal.

Station WOW at Omaha, Nebraska, appealed from an order of the Commission granting an application of Station WKZO to change its assignment. WOW claimed interference. The Court of Appeals of the District of Columbia dismissed the appeal of WOW and the Supreme Court has denied a review of the case.

800 STATIONS

The Federal Communications Commission issued operating licenses to four stations during the month of September, 1939, and issued construction permits to two new stations. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	April 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1
Operating	722	727	729	732	734	735	735	738	739	743
Construction	42	39	37	37	38	38	43	56	59	57
	764	766	766	769	772	773	778	794	798	800

Of the 264 local channel stations licensed to operate full time, 126 have been granted 250 watts power day and night. The FCC granted 13 of these power increases in August and 113 during September. There were also 5 stations granted construction permits to install new equipment in order to step up power to 250 watts.

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FCC REVISED AND RENUMBERED RULES

The Federal Communications Commission this week announced revised and renumbered rules. In connection with the case of the amendment of rules 177 and 177.1 on the petition of Mayor LaGuardia of New York City, the Commission in its announcement said:

"To the licensees and permittees of all existing standard broadcast stations (all broadcast stations licensed to operate upon the channels 500 to 1600 kc, both inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels, to the licensees and permittees of all existing international broadcast stations (all international broadcast stations licensed to operate upon the channels 6,000 to 26,000 kc, inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels and to any other interested parties:

"You are hereby notified that as of August 1, 1939, the Commission revised and renumbered all of its rules and regulations. Rules numbered 177 and 177.1 have now been renumbered rules 3.94(a) and 4.10. Rules 1010, 1011, and 1012(c) referred to in Issue No. 5 in the Commission's Notice of May 5, 1939, have become Rules 4.41, 4.42, and 4.43.

"The revised and renumbered rules include some changes in phraseology but the substance of these rules is unchanged, and the amendments made will not in any way affect the issues to be determined upon the hearing in the above-entitled matter."

FREE OFFERS

Several new free offer requests were reported by member stations during the past week.

A script has been offered member stations commemorating the 50th Anniversary of motion pictures, which members "may broadcast free of charge," and in which are included several plugs for outstanding movie productions of the past, present and future. While the industry desires to render every cooperation to sister industries, NAB

Bureau of Radio Advertising has advised Mr. Kenneth Clark, of the Motion Picture Producers and Distributors of America, Inc., that the scripts are unacceptable except on a paid basis, and invited his cooperation in helping members sell the show to local exhibitors.

Other free-time seekers include the Missionary Servants of the Most Holy Trinity, who have since withdrawn their offer, after being informed by NAB that their plan to sell books at a dollar a copy (to defray the cost of the transcriptions) was a violation of the Code; and the National Dunking Association, seeking to popularize this quaint custom and thus sell more doughnuts and/or coffee. NDA, although claiming to be a "non-commercial and non-political" activity, has not answered NAB's request for further information on their organization, its purpose and financial backing.

"Cost-per-inquiry"

The Bureau of Radio Advertising has written the following firms, explaining that their requests for radio time on a percentage basis are in violation of the NAB Code of Ethics:

Dietetic Research Laboratories (MVM Reducing Perles)
Interstate Advertising Agency (on behalf of Sunlit Flower Fields)

Crowell-Collier

Members who wish to use the "Voice of Industry" programs may eliminate entirely any mention of Crowell-Collier Publishing Company, as well as its magazines, in the closing announcements of these programs. Although the Bureau of Radio Advertising's letter of October 2 and subsequent advices direct to the stations from Crowell-Collier may not have made this entirely clear, the NAB's agreement with the Company allows stations to delete or alter the credit in any way they see fit. Stations who would prefer to share in the credit for this series, the purpose of which is to offset attacks on advertising, may do so by substituting a suitable announcement.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning Monday, October 16. They are subject to change.

Monday, October 16

NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 100 watts LS, specified hours.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1500 kc.**, 100 watts, 100 watts LS, specified hours.

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours (WCNW), (request facilities of WMBQ).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours (request facilities of WCNW).

WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Renewal of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours.

NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., **1500 kc.**, 100 watts, 100 watts LS, specified hours (hours of WMBQ).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license, **1500 kc.**, 100 watts, 250 watts Ls, unlimited time. Present assignment: **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of C. P., **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—Renewal of license, **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

WCNW—Arthur Faske, Brooklyn, N. Y.—(C. P. to make changes in transmitter equipment, install automatic frequency controll apparatus, vertical antenna and move transmitter locally), **1500 kc.**, 100 watts, 250 watts LS, specified hours (WWRL).

Monday, October 16

Hearing Before the Committee

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

Further Hearing

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 kc.**, 1 KW, unlimited time (DA-night).

Tuesday, October 17

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nevada.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

Thursday, October 19

Reargument Before the Commission

Report No. I-40:

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Renewal of license, **1400 kc.**, 500 watts, shares WARD, WBBC and WVFW.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1400 kc.**, 500 watts, shares WBBC, WLTH and WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, **1400 kc.**, 500 watts, shares WARD, WLTH and WVFW.

Friday, October 20

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted C. P. to make changes in equipment and increase power to 250 watts, unlimited time.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted C. P. to make changes in equipment and increase power to 250 watts, unlimited time.

KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted C. P. to make changes in equipment and increase power to 250 watts, unlimited time.

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted modification of C. P. to increase night power from 100 to 250 watts, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted modification of license to move studio location from 6th and Madison Ave., Covington, Ky., to the Gibson Hotel, Cincinnati, Ohio.

WCOL—WCOL, Inc., Columbus, Ohio.—Granted C. P. to make changes in equipment change frequency from **1210** to **1200 kc.**, increase power from 100 watts unlimited to 250 watts, unlimited time.

WALR—WALR Broadcasting Co., Zanesville, Ohio.—Granted modification of C. P. authorizing installation of new equipment, increase in power from 100 watts, unlimited time to 250 watts, unlimited time; also extension of commencement date to 60 days after grant and completion date to 90 days thereafter.

WOKO—WOKO, Inc., Albany, N. Y.—Granted extension of authority to operate the equipment of standard broadcast station WOKO as a facsimile broadcast station between the hours of 2 a. m. to 5 a. m.

WJHL—Johnson City Broadcasting Co., Johnson City, Tenn.—Granted voluntary assignment of license from W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., to WJHL, Inc. Station operates on **1200 kc.**, 100 watts night, 250 watts day, unlimited time.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted modification of license to change hours of operation from daytime only to unlimited using 250 watts day and night.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of C. P. to extend construction and completion dates to 60 days after grant and 90 days thereafter respectively, and to change frequency from **26300 kc.** to **43000 kc.**

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Application for C. P. to erect a new station to operate on **1370 kc.**, 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

INCREASE IN POWER TO 250 WATTS

The following stations were granted increase in power to 250 watts, unlimited time:

KPAB, Laredo, Tex.; KOCA, Kilgore, Tex.; WEDC, Chicago, Ill.; KWJB, Globe, Ariz.; KOOS, Marshfield, Ore.; WKBB, Dubuque, Iowa; WBRK, Pittsfield, Mass.; KWNO, Winona, Minn.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KALE, Portland, Ore.: KCRC, Enid, Okla.; KFBK, Sacramento, Calif.; KFJM, Grand Forks, N. Dak.; KGA, Spokane, Wash.; KGHF, Pueblo, Calif.; KGB, San Diego, Calif.; KCMO, Kansas City, Mo.; KLRA, Little Rock, Ark.; KOH, Reno, Nev.; KQV, Pittsburgh, Pa.; KSCJ and auxiliary, Sioux City, Iowa.; KSTP, St. Paul, Minn.; KWK, St. Louis, Mo.; WALA, Mobile, Ala.; WADC, Village of Tallmadge, Ohio; WBBC, Brooklyn, N. Y.; WBNX, New York City; WBCM, Bay City, Mich.; WFBL, Syracuse, N. Y.; WFEA, Manchester, N. H.; WHDL, Olean, N. Y.; WLAC, Nashville, Tenn.; WAWZ, Zarephath, N. J.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio.; WSAR, Fall River, Mass.

MISCELLANEOUS

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate additional time on October 9, 1939, in order to broadcast from the Mutual Network the annual appeal from the Community Mobilization for Human Needs only, including a talk by President Roosevelt.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate additional time on October 7, 1939, in order to broadcast St. Xavier v. Hazard football game only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate additional time on October 13, 1939, in order to broadcast Jaycette Auto Show only.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency **43000 kc.**, with power not to exceed 2000 watts, for the period October 17 to November 15, 1939, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

WEJU-WEJJ—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to use two RCA-NBC transmitters, Type ND 20, Serial No. 5, and ND 31, Serial No. 3, for operation under New York area licenses for relay broadcast stations WEJU and WEJJ, respectively, on October 9, 1939, in connection with a special feature fire prevention safety program.

WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to use equipment described in application with 100 watts power, frequency **1622, 2058, 2150** and **2790 kc.**, for the period October 7 to November 5, 1939, in order to make tests for a receiving location and be ready to use the equipment for the American Royal Livestock Show during week ending October 14, 1939.

Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate an RCA model RB-2-2 watt pack transmitter on relay frequencies in Group E, as a relay broadcast station, on October 11 and 14, 1939, in connection with the Charity Steeple Chase Races to be held at Rolling Rock, Ligonier, Pa.

J. L. McDowell—Docket 5700—Application of WNBX, Twin State Broadcasting Corp., Springfield, Vt., for C. P. to change location of station from Springfield, Vt., to Keene, N. H., using the present facilities with DA day and night.

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Granted motion to dismiss without prejudice the application for a new station to operate on **1420 kc.**, 100 watts, unlimited time, scheduled for further hearing on October 7.

NEW—Radio Voice of Springfield, Springfield, Ohio.—Granted motion to amend order to take depositions by adding the names of certain persons as deponents, in re application for a new station to use **1310 kc.**, 100 watts, unlimited time.

NEW—Richard T. Sampson, Riverside, Calif.—Granted motion for order to take depositions in re application for new station to operate on **1390 kc.**, 250 watts, daytime, scheduled for hearing November 13.

Clear Channel Group—Referred to the Commission en banc the petition to intervene and supplement thereto, in re application of WHDH, Matheson Radio Co., Inc., Boston, Mass., to increase power from 1 KW daytime to 5 KW, unlimited time.

Clear Channel Group—Referred to the Commission en banc the motion to dismiss application of WHDH, or in the alternative to eliminate or limit Issue No. 3, or further, that said issue be limited to **830 kc.**

KOA—National Broadcasting Co., Inc., Denver, Colo.—Referred to the Commission en banc the motion to dismiss application of WHDH.

WMEX—The Northern Corp., Boston, Mass.—Denied petition to intervene in the hearing on the application of WHDH to increase power to 5 KW, scheduled for October 10.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla., and WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., for C. P. to change frequency from **1310 kc.**, to **620 kc.**, and power from 100 watts night, 250 watts LS, to 500 watts night, 1 KW LS, scheduled for hearing on November 2.

KBRH—Troy L. Colboch, Santa Ana, Calif.—Granted special temporary authority to operate Taylor Airphone Type RT3 aircraft radio transmitter aboard plane NC-23633, bearing call letters KHCXU, as a relay broadcast station on the frequency **2830 kc.**, power 10 watts, for the period October 4, 1939, to November 2, 1939, to relay broadcast endurance contest program to Standard Broadcast Station KVOE and Mutual Don Lee Broadcasting System.

WEHA—City of New York, Municipal Broadcasting System, New York City, Portable-Mobile.—Granted license to utilize the equipment of low frequency relay broadcast station and increase power from 8.5 watts to 25 watts.

WRUL—World Wide Broadcasting Corp., Scituate, Mass.—Granted license to cover C. P. to move international broadcast station transmitter locally.

WABD—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted license to cover C. P. for new high frequency relay broadcast station, frequencies **31220, 35620, 37020** and **39260 kc.,** 12 watts.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Granted license to cover C. P. authorizing new station to operate on **1500 kc.,** 100 watts, unlimited time.

WJMS—WJMS, Inc., Ironwild, Mich.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 watts, unlimited, to 250 watts, unlimited time.

WELK—WCBS, Inc., Springfield, Ill.—Granted license to cover C. P. authorizing changes in equipment and increase in power of high frequency relay broadcast station to 10 watts.

W9XC—Central Broadcasting Co., Mitchellville, Iowa.—Granted license to cover C. P. for new developmental station, frequency **1000 kc.,** experimentally conditionally, 1 KW.

WDSM—WDSM, Inc., Superior, Wis.—Granted license to cover C. P. for new station to operate on **1200 kc.,** 100 watts, unlimited time.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted modification of C. P. to extend completion date for a period of 6 months.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted modification of C. P. to make changes in equipment and extend commencement date to 10 days after grant and completion date to 120 days thereafter.

WSAV—WSAV, Inc., Savannah, Ga.—Granted modification of C. P. to make changes in equipment.

KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.

WISE—Asheville Daily News, Asheville, N. C.—Granted modification of C. P. to install new equipment and change name from Asheville Daily News (Harold H. Thoms, owner) to Harold H. Thoms.

WAAB—The Yankee Network, Inc., Boston, Mass.—Granted modification of license to increase power of auxiliary transmitter from 500 watts night, 1 KW day, to 1 KW day and night, for emergency use only. This grant is made on condition it shall not be construed as a finding by the Commission upon the application of Mayflower Broadcasting Corp. nor upon application for renewal of license of WAAB.

WKAR—Michigan State College, E. Lansing, Mich.—Granted modification of C. P. extending completion date to 11-30-39.

KDKA—Westinghouse E. and M. Co., Pittsburgh, Pa.—Granted modification of C. P. to install new equipment.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input.

KDRO—Drohlich Bros., Sedalia, Mo.—Granted authority to determine operating power by direct measurement of antenna input. Also granted license to cover C. P. authorizing new station to operate on **1500 kc.,** 100 watts night, 250 watts day, unlimited time.

WTNK—WOAX, Inc., Trenton, N. J., Portable-Mobile.—Granted reinstatement of C. P. of low frequency relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.,** 50 watts.

WENN—WPTF Radio Co., Raleigh, N. C., Portable-Mobile.—Granted C. P. to make changes in equipment.

WEKR—South Bend Tribune, Portable-Mobile (area of WSBT and WFAM), South Bend, Ind.—Granted C. P. to make changes in equipment and increase power in high frequency relay broadcast station to 15 watts.

NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station to operate on special emission, frequencies **133030, 136810, 138630 kc.,** 50 watts.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate additional time on October 7, in order to broadcast community singing program only; on October 8, to broadcast Texas Forest Festival Pageant only, instead of football games on said dates as authorized by grant on September 29.

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Denied special temporary authority to operate from local sunset at Los Angeles, Cal. (November, 7:45 p. m., EST), to 8:00 p. m., EST, on November 1, 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 27 and 29, 1939, in order to broadcast the "Lone Ranger" program.

WMFO—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Denied special temporary authority to operate from local sunset (October, 5:15 p. m., CST), to 6:00 p. m., CST, in order to broadcast Alabama Network commercials, for a period not to exceed thirty days, pending action on application for unlimited time.

W1XOV—The Yankee Network, Inc., Quincy, Mass.—Granted special temporary authority to continue the operation of experimental radio station W1XOV on frequency **27100 kc.,** power 200 watts, pending frequency shift to **30660 kc.,** as authorized by renewal of license issued September 29, 1939 This authority continued from date of grant until further order of the Commission, but not to extend beyond one month, and is further subject to the condition that no interference is caused to the operation of Government radio stations.

W1XOY—The Yankee Network, Inc., Sargents Purchase, N. H.—Granted special temporary authority to continue the operation of experimental radio station W1XOY on frequency **41000 kc.,** with power of 500 watts, pending frequency shift to **39460 kc.,** as authorized by renewal of license issued September 29, 1939. This authority continued from date of grant until further order of the Commission, but not to extend beyond one month, and is further subject to the condition that no interference is caused to the operation of Government radio stations.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate unlimited time on November 7, in order to broadcast returns of a local election.

WILL—Univ. of Ill., Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations WIBW and WCHS, with power reduced to 250 watts, from 5:15 to 7:30 p. m., CST, on October 14, in order to broadcast Illinois v. Southern California football game only.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 2:30 to 5 p. m., on October 6, and from 8:45 to 10:15 p. m., MST, on October 13, in order to broadcast football games.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted modification of C. P. extending commencement date to November 6, 1939, and completion date to May 6, 1940.

WHBY—WHBY, Inc., Appleton, Wis.—Granted modification of C. P. approving transmitter site at 103 College Ave., and installation of vertical radiator.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted license to cover C. P. authorizing changes in equipment installation of vertical radiator, increase power and time of operation from 500 watts night and day, sharing KVOD to 1 KW, unlimited time.

KVOD—Colorado Radio Corp., Denver, Colo.—Granted license to cover C. P. authorizing change in transmitter site locally, installation of DA system for nighttime use, change frequency from **920** to **630 kc.,** and increase power from 500 watts night and day, sharing equally with KFEL to 1 KW, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WDNC—Durham Radio Corp., Durham, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, using DA for the period October 12 and ending in no event later than November 10, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on **780 kc.,** reduces power so that additional interference is not involved, or until defective DA is corrected by installation of new tuning condensers.

WPAY—Vee Bee Corp., Portsmouth, Ohio.—Granted special temporary authority to operate a 100-watt crystal controlled test transmitter on **1370 kc.,** between 12 midnight and 6

a. m., EST, for a period of 5 days, beginning October 15, in order to conduct tests for a new transmitter site; however, such tests not permitted during hours prescribed for Commission's monitoring schedule.

WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston Salem, N. C.—Denied special temporary authority to operate from 5:15 to 5:30 p. m., EST, on November 5, 12, 19 and 26, in order to broadcast "The Musical Steel Makers" program.

WMEX—The Northern Corp., Boston, Mass.—The following minute entry in re application of WMEX for a construction permit was adopted: "The Secretary of the Commission is directed to reissue said C. P., the date for commencement of construction to be advanced 60 days from the date hereof and the completion date to 180 days thereafter."

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz. —Denied petition and amended petition to reconsider, filed on August 14 and 22, by E. B. Sturdivant, d/b as Silver Crest Theatres, and of the motion and amended motion to dismiss, filed by applicant, and all other pertinent facts, in re application of Yuma Broadcasting Co., Yuma, Ariz., for a new station to use **1200 kc.,** 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on August 8 without hearing.

WNBX—Tri-State Broadcasting Corp., Springfield, Vt.—Granted petition to reconsider and grant without a hearing the application of WNBX, authorizing move of station from Springfield, Vt., to Keene, N. H., installation of DA for both day and nighttime operation, and to operate on its present frequency of **1260 kc.,** with 1 KW night and day, unlimited time.

NEW—Summit Radio Corp., Akron, Ohio.—Set for reargument to be held October 26, the application of Summit Radio Corp., for C. P. to erect a new station using frequency **1530 kc.,** 1 KW, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.; NEW—Orville W. Lyerla, Herrin, Ill.; KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Set for oral argument to be held October 26, the matter of modification of license of WEBQ to change frequency and time of operation; the application of Orville W. Lyerla for a new station, and application of KFVS for modification of license to operate full time.

WAAB—The Yankee Network, Inc., Boston, Mass.; NEW—The Mayflower Broadcasting Corp., Boston, Mass.—Denied petitions of The Mayflower Broadcasting Corp., and WAAB, and ordered hearing to be held in Boston, Mass., on November 8, 1939, before an examiner.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Postponed indefinitely the hearing scheduled for October 10, 1939, on application of WHDH to operate unlimited hours on frequency **830 kc.,** with 5 KW power, instead of 1 KW hours of operation, limited to sunset at Denver.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—The Commission unanimously upheld the action taken by Commissioner Payne on October 2, 1939, in denying petition of WDBO to intervene in the hearing on an application of Hazlewood, Inc., for a new station in Orlando, Fla., to operate on **1390 kc.,** with 1 KW, unlimited time.

APPLICATIONS RECEIVED AT FCC

570 Kilocycles

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Construction permit to install directional antenna for night use; increase power from 500 watts, 1 KW LS, to 1 KW day and night; make changes in hours of operation to specified hours day, unlimited time night (simultaneous with WOSU after sunset).

790 Kilocycles

KOAM—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Modification of license to change hours of operation from daytime to 5 a. m. to local sunset, CST (5 to 6 a. m. in addition to present hours).

890 Kilocycles

KTKC—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Authority to determine operating power by direct measurement of antenna power.

930 Kilocycles

NEW—The Valley Broadcasting Co., Steubenville, Ohio.—Construction permit for a new station on **930 kc.,** 1 KW, daytime.

1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—C. P. to install new transmitter; make changes in vertical antenna; change frequency, power and hours of operation from **1040 kc.,** 250 watts, daytime, to **1390 kc.,** 500 watts, 1 KW LS, unlimited time. Contingent on KOY going to new frequency. B5-ML-525.

1100 Kilocycles

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Modification of C. P. (B2-P-1982) for a new station, requesting approval of antenna and approval of transmitter site between Sq. Lake and Telegraph Road, near Pontiac, Mich.

1120 Kilocycles

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Modification of license to increase power from 500 watts; 2½ KW-LS to 1 KW; 2½ KW-LS.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Modification of license to increase power from 500 watts; 2½ KW LS to 1 KW, 2½ KW LS.

1210 Kilocycles

WHBO—Anderson Broadcasting Corporation, Anderson, Ind.—Authority to transfer control of corporation from Leo M. Kennett to Roy E. Blossom and Leo M. Kennett, two shares common stock.

KOVO—Clifton A. Tolboe, d/b as Citizens Voice & Air Show, Provo, Utah.—License to cover C. P. (B5-P-2044) as modified for a new station.

1300 Kilocycles

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Construction permit to install directional antenna for night use and increase power from 1 KW, 5 KW-LS to 5 KW day and night. Amended: Re: antenna.

1310 Kilocycles

WBRK—Harold Thomas, Pittsfield, Mass.—Authority to determine operating power by direct measurement of antenna power.

KARM—George Harm, Fresno, Calif.—C. P. to make changes in transmitting equipment, and increase power from 100 to 250 watts.

NEW—Lawrence J. Heller, Washington, D. C.—C. P. for a new station on **1310 kc.,** 250 watts, unlimited, with 50 watts synchronous amplifier. Studio and transmitter site to be determined, Washington, D. C.

NEW—Harold Thomas, Bridgeport, Conn.—Construction permit for a new station on **1310 kc.,** 100 watts, 250 watts LS, unlimited time. Amended to request **1420 kc.** and 250 watts power day and night.

1370 Kilocycles

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Modification of license to change hours of operation from daytime to unlimited using 250 watts power day and night.

WDAS—WDAS Broadcasting Co., Inc., Philadelphia, Pa.—Modification of C. P. (B2-P-2287) as modified for move of auxiliary transmitter requesting extension of required date of completion from 11-1-39 to 1-1-40.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—C. P. to install new transmitter, vertical antenna; change frequency from **1420 kc.** to **1480 kc.;** increase power from 100 watts, 250 watts LS, to 5 KW day and night; change hours of operation from S.H. to unlimited time; specify transmitter site to be determined, Ponce, P. R. Amended to request power of 1 KW (5 KW day).

WILM—Delaware Broadcasting Co., Wilmington, Del.—Construction permit for changes in equipment and increase in power from 100 to 250 watts.

KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Construction permit to install new transmitter; make changes in antenna; change frequency from **1420 kc.** to **940 kc.**; increase power from 250 watts to 1 KW; and move transmitter from 341 Ambler Ave., Abilene, Tex., to site to be determined, Abilene, Tex.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Construction permit for changes in equipment, increase power from 100 to 250 watts.

NEW—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Construction permit for a new station on **1420 kc.**, 100 watts, unlimited time.

1430 Kilocycles

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Modification of C. P. (B2-P-2116) for a new station, requesting approval of antenna and requesting approval of studio site at 116 N. Saratoga St., Suffolk, Va., and transmitter site at Highway 460 N. W. of Suffolk, near Suffolk, Va.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—License to cover C. P. (B3-P-2359) for new transmitter, antenna, move of transmitter and increase day power.

1450 Kilocycles

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Authority to install automatic frequency control.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P. to install new transmitter and increase power from 250 watts to 250 watts; 1 KW-LS. Make changes in antenna.

1460 Kilocycles

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Modification of C. P. (B1-P-1827) as modified, for a new transmitter move of transmitter, directional antenna, increase in power, requesting extension of completion date from 11-20-39 to 5-20-40.

MISCELLANEOUS

WEJN—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—C. P. to install new equipment and add A1 and A2 to type of emission.

WEJA—National Broadcasting Co., Inc. (vicinity of New York).—Construction permit to install new equipment.

WEJW—National Broadcasting Co., Inc., Portable-Mobile (area of New York).—Construction permit to install new equipment.

WRUW—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-20) for change in transmitter site.

WEJL—National Broadcasting Co., Inc. (Portable-Mobile).—Construction permit to install new equipment and reduce power from 0.5 watts to 0.25 watts.

WEJL—National Broadcasting Co., Inc. (Portable-Mobile).—License to cover above C. P. (B1-PRE-301).

WEJI—National Broadcasting Co., Inc. (Portable-Mobile).—C. P. to install new equipment and reduce power from 0.5 watts to 0.25 watts.

WEJI—National Broadcasting Co., Inc. (Portable-Mobile).—License to cover above C. P. (B1-PRE-300).

WEJQ—National Broadcasting Co., Inc. (Portable-Mobile (area of Cleveland, Ohio).—Construction permit to install new equipment.

NEW—Wayne University per Garnet R. Garrison, Director, Wayne University Broadcasting Guild, Detroit, Mich.—Authority to transmit programs to a foreign country, CKLW, Windsor, Canada.

WAIJ—WIBX, Inc., area of Utica, N. Y.—License to cover C. P. (B1-PRY-184) for relay broadcast station.

NEW—McNary & Chambers, Bethesda, Md.—Construction permit for a new high frequency broadcast station on **42600 kc.**, 100 watts power, special emission, located at 4713 Hampden Lane, Bethesda, Md.

NEW—Portland Broadcasting System, Inc., Portland, Maine.—Construction permit for a new high frequency broadcast station on **43400 kc.**, 1 KW power, special emission, to be located at 645 A Congress St., Portland, Maine.

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of license to change frequencies from **42000-56000, 60000-86000 kc.** to **84000-90000 kc.**, in accordance with revised rules.

WEHL—Community Broadcasting Service, Inc., area of Bangor, Maine.—Modification of license to change frequencies from **33380, 35020, 37620, 39820 kc.** to **1622, 2058, 2150, 2790 kc.**

KEGT—Tarrant Broadcasting Co., area of Fort Worth, Tex.—License to reinstate relay broadcast station KEGT on frequencies **30820, 33740, 35820, 37980 kc.**, 2 watts power, A-3 emission.

KAAD—Tarrant Broadcasting Co., area of Fort Worth, Tex.—License to reinstate relay broadcast station KAAD in name of Tarrant Broadcasting Co. on frequencies **1622, 2058, 2150** and **2790 kc.**, 40 watts power, A-3.

NEW—Echo Park Evangelistic Assn., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station at 1100 Glendale Blvd., Los Angeles, Calif., on **25300 kc.**, 500 watts power, A-3 emission.

NEW—WHB Broadcasting Co., area of Kansas City, Mo.—Construction permit for a new portable-mobile low frequency relay broadcast station on **1622, 2058, 2150** and **2790 kc.**, 100 watts power, A-3 emission.

WEGV—The Champaign-News-Gazette, Inc., area of Champaign, Ill.—License to cover C. P. (B4-PRE-256) for changes in equipment.

KEJK—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.).—Construction permit to install new equipment.

KEJJ—National Broadcasting Co., Inc., Portable-Mobile (area of KOA, Denver, Colo.).—Construction permit to install new equipment and add A-1 and A-2 to type of emission

KEJL—National Broadcasting Co., Inc. (Portable-Mobile, area of San Francisco, Calif.).—C. P. to install new equipment.

KTBC—State Capitol Broadcasting Assn. (R. B. Anderson, President), Austin, Texas.—Voluntary assignment of license from State Capitol Broadcasting Association (R. B. Anderson, President), to State Capital Broadcasting Association, Inc.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Distributors, Inc., United Advertising Companies, Inc., and John H. Morgan, trading as Champion Products Company, Linton, Ind., were charged in a complaint with the dissemination of misleading representations in the sale of "Vita-Perles." a medicinal preparation claimed to contain Vitamins A, B-1, D, G and E.

According to the complaint, the respondents misleadingly advertised that one may test "Vita-Perles" without risking any money; that vitamin deficiency is, in both sexes, the cause of backache, headache, loss of appetite and pep, faulty vision, loss of weight, early tooth decay and skin irritations and that these conditions will be relieved or corrected by use of "Vita-Perles," when such are not the facts.

The respondents further allegedly represented that, in men, premature loss or impairment of sexual desire, vigor or potency is due to a vitamin deficiency, and, in women, inability to conceive or bear children is frequently due to a vitamin deficiency and that such conditions may be removed or improved by the use of "Vita-

Perles," when such are not the facts. In truth, the complaint points out, the respondents' preparation, except in cases of actual deficiency in one or more of the vitamins which they contain, are of no therapeutic, preventive or tonic value. (3918)

Brown & Williamson Tobacco Corporation—See P. Lorillard Company.

Champion Products, Inc.—See American Distributors, Inc.

Colonial Enterprise Company, Inc.—In a complaint, Colonial Enterprise Company, Inc., 10 W. 37th St., New York, was charged with the use of lottery schemes in the sale of its merchandise.

According to the complaint, the respondent contacts fraternal and other organizations and offers to promote a carnival or dance for them, the proceeds of which are to be divided upon some agreed basis. The respondent then allegedly disseminates books of tickets and advertising literature describing its merchandise and the method of awarding it as premiums or prizes. The price of the tickets, ranging from 1 cent to 35 cents, is determined by a number concealed on the ticket stub, and another concealed number determines which of the purchasers are entitled to certain specified articles of merchandise, it is further charged. The complaint continues that after a period of days, the tickets are collected and a drawing is held, the bearer of the lucky number being entitled to cash, or merchandise prizes or premiums. (3920)

Lady Esther, Ltd., 7171 West 65th St., Chicago, was charged in a complaint with the dissemination of misleading representations in the sale of "Lady Esther Face Cream."

The respondent allegedly represented that its face cream penetrates the skin to the bottom of the pores; dissolves dirt and waste matter in the pores; overcomes dry skin; prevents and removes wrinkles and lines in the face, and that its preparation, when used according to the respondent's method for cleaning the face, will clean more than the surface, while other skin cleansing preparations clean only the surface. The respondent further represented, according to the complaint, that its cream safeguards beauty glands and brings them back to activity; that dry skin is the cause of wrinkles, and that results from use of its preparation are guaranteed, when such are not the facts.

In truth, the complaint continues, the respondent's cream does not have any unique or active penetrative property in relation to the skin, nor does it dissolve various forms of dirt and waste matter that soil the skin. The complaint also points out that "Lady Esther Face Cream" serves principally to cleanse the outer surface of the skin and also in the capacity of a lubricant whose effect is of temporary duration, lasting only as long as the lubricating ingredients remain on the skin. (3917)

Charles V. Herron Company—Charging violation of the brokerage section of the Robinson-Patman Act, a complaint has been issued against Charles V. Herron, trading as Charles V. Herron Company, 101 North Governor St., Evansville, Ind., Ryon Grain Company, 428 Mutual Building, Lansing, Mich., and McLaughlin, Ward & Co., 200 East Pearl St., Jackson, Mich.

It is alleged that Herron, in connection with the purchase of beans from Ryon Grain Company and McLaughlin, Ward & Co., has accepted from them an allowance per bag of beans in lieu of brokerage. For this allowance, it is alleged, Herron has rendered these companies no services at any time. (3916)

Larus & Brother, Inc.—See P. Lorillard Company.

P. Lorillard Company—Complaints alleging violation of the Robinson-Patman Act in the sale of tobacco products have been issued against P. Lorillard Company, New York, Brown & Williamson Tobacco Corporation, Louisville, Ky., R. J. Reynolds Tobacco Company, Winston-Salem, N. C., and Larus & Brother, Inc., Richmond, Va.

The complaints allege that the respondent companies (1) discriminated in price between different purchasers of their products of like grade and quality; (2) paid to certain customers compensation for services and facilities when such compensation was not made available to all competing customers on proportionately equal terms, and (3) discriminated against some customers by supplying certain services to some but not to others.

Price discrimination is alleged to have taken place in connection with the respondents' practice of including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondents' products of like grade and quality.

The Lorillard and the Brown & Williamson companies allegedly made special allowances to vending machine operators on the purchase of cigarettes for sale in their machines, the result having been that these operators obtained the cigarettes at price substantially lower than those paid by competing retail distributors not operating vending machines.

The complaints allege that the respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondents' products. Such payments, it is alleged, were not available to other competing distributors.

To some jobbers, the respondents are alleged to have allowed 60 days for payment at a 2 per cent cash discount, while generally to others 10 days was allowed for payment at the same discount. This allowance of time allegedly constituted a service to the respondents customers which became of greater value as the length was extended.

The complaints charge that all the respondents have established the relationship of seller and customer between them and retail tobacco distributors by means of their many dealings with them and particularly through the medium of their salesmen or "missionary men," and have in such manner control over the prices at which their products are sold by the retail distributors to consumers. (3912-3913-3914-3915)

McDonnell & Sons, Inc.—In a complaint, McDonnell and Sons, Inc., 858-860 Main Street, Buffalo, N. Y., was charged with the dissemination of misleading representations in the sale of grave markers, monuments, memorials and mausoleums.

The respondent allegedly represented that the material used in its grave markers, monuments, memorials and mausoleums is obtained from its own quarry; that all monuments or memorials are sold direct from the respondent's quarry to the ultimate consumer, and that the completing and finishing of all work is performed in its own plant at Barre, Vt., and shipped direct from that plant to the purchasers. In truth, the complaint continues, though the respondent does own a quarry and a finishing plant at Barre, Vt., the quarry has not been in operation since 1928 and the finishing plant since 1932.

It is further charged that the respondent misleadingly represented and implied that all of the several steps in the manufacture of monuments and memorials from the time the marble is quarried from the respondent's quarry until the delivery of the finished product to the ultimate purchaser, are taken exclusively in its own quarry and finishing plant, when actually all of the respondent's supply of marble is purchased from other quarries and all work is finished by other independent manufacturers and finishing plants. (3907)

McLaughlin, Ward & Company—See Charles V. Herron Company.

Mills Sales Company of New York, Inc.—In a complaint, Mills Sales Company of New York, Inc., and its officers, David Jacoby, Evelyn Jacoby, Joseph Jacoby, Estelle J. Kruger and Walter Jacoby, 901 Broadway, New York, were charged with the use of lottery schemes in the sale and distribution of cosmetics, shaving and dental creams, drug and household sundries, perfumes, notions, pen and pencil sets, comb and brush sets and billfolds, and with the sale and distribution of punchboards and push cards to dealers for use in the sale of such dealers' merchandise, such as candy, cigarettes, clocks, razors and clothing. (3910)

Milwaukee Jewish Kosher Delicatessen Association—A complaint has been issued against the Milwaukee Jewish Kosher

Delicatessen Association, 710 West Walnut St., Milwaukee, and Joseph Plotkin, Aaron Guten, Carl Guten, R. Cohen, and M. Guten, members of the association and proprietors of delicatessen stores in Milwaukee, charging them with unlawfully restricting competition in violation of the Federal Trade Commission Act.

According to the complaint, the respondents, acting through the association, entered into an agreement, combination and conspiracy by means of which they agreed upon the prices to be charged by them for kosher food products in Milwaukee; compelled, through threats of boycott, those who supplied such products to delicatessen stores in Milwaukee to refrain from selling their products to those of the respondents' competitors who did not sell such products at the prices fixed by the respondents, and interfered with and cut off the sources of supply of their competitors who were not members of the respondent association and who did not observe the prices fixed by them.

Such acts, the complaint continues, have the effect of unlawfully restraining interstate commerce in kosher food products purchased by Milwaukee delicatessen stores, restricting the retailing of delicatessen products in Milwaukee, enhancing prices to the consuming public, and interfering with normal competition in the sale of such commodities. (3908)

Philip Morris & Co., Ltd., Inc., New York, has been served with a complaint alleging violation of the Robinson-Patman Act in the sale of tobacco products. Substantially similar complaints have already been issued by the Commission against other tobacco companies.

The complaint charges (1) discrimination in price between different purchasers of products of like grade and quality; (2) compensation of certain customers for services and facilities when such compensation was not made available to all competing customers on proportionately equal terms, and (3) discrimination against some customers by supplying certain services to some but not to others.

Price discrimination is alleged to have resulted from the respondent's practice of granting special allowances to vending machine operators on the purchase of cigarettes for sale in their machines. The complaint alleges that these operators obtained the cigarettes at prices substantially lower than those paid by competing retail distributors not operating vending machines.

It is alleged that the respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments allegedly were not available to other competing distributors. (3919)

Rathjen Brothers, Inc.—A complaint has been issued against Rathjen Bros., Inc., trading as United States Distilling Company, 135 Berry St., San Francisco, charging misleading representations in the sale of whisky, gin, rum, brandy and liquers.

Through use of the word "distilling" in its trade name, and in other ways, the respondent allegedly represented that it is a distiller and that its whiskies, gins and other alcoholic beverages are manufactured by the respondent through a process of distillation from mash, wort or wash. The complaint charges that the respondent is not a distiller and does not distill such alcoholic beverages. nor does it operate or control any places where alcoholic beverages are manufactured by a process of original and continuous distillation from mash, wort and wash. (3909)

Retail Coal Merchants Association—A complaint has been issued against 8 Virginia, West Virginia and Ohio wholesalers of coal and 8 Richmond, Va., retail dealers and their trade association, the Retail Coal Merchants Association, alleging a combination and conspiracy to restrain trade in the sale of coal in the Richmond area.

Coal wholesaling companies named as respondents are Bluefield Coal and Coke Company, Bluefield, W. Va.; Cabell Coal Company, Inc., Covington, Va.; Cabin Creek Consolidated Sales Company, Cincinnati; A. T. Massey Coal Company, Richmond; Red Jacket Coal Sales Company, Columbus, Ohio; George W. St. Clair, Robert Henry Moore, Mrs. Robert Henry Moore, Katherine St. Clair Santori, and Houston St. Clair, partners doing business under the name Virginia Smokeless Coal Company, Tazewell, Va.; White Oak Coal Company, Mount Hope, W. Va., and Wyatt Coal Sales Company, Charleston, W. Va.

Richmond coal dealer members of the association, named as respondents, are L. D. Wingfield and James L. Hatcher, co-owners of the business operated as Wingfield-Hatcher Coal Company; A. M. Hungerford, doing business as Hungerford Coal Company; Massey-Wood & West; Sydnor-Howey & Co., Inc.; D. W. Mallory & Co., Inc.; Ellison & Hawes, Inc.; W. E. Seaton & Sons, Inc., and Gill Fuel Company, Inc. These dealers are, according to the complaint, representative of the association's entire membership.

Respondent officers of the association are D. Walton Mallory, president; Edwin D. Newmann, vice president; A. Holland White, treasurer, and Charles H. Hall, Jr., secretary, all of Richmond.

It was alleged that pursuant to the respondents' combination and agreement, the wholesale dealer respondents, agreed with the association member respondents, acting through the association, not to ship, and refrained from shipping, coal from their mines to Richmond retail coal dealers who were not association members or whose retail prices did not conform to those agreed upon by the member respondents. (3911)

R. J. Reynolds Tobacco Company—See P. Lorillard Company.

Ryon Grain Company—See Charles V. Herron Company.

United Advertising Companies, Inc.—See American Distributors, Inc.

United States Distilling Company—See Rathjen Brothers, Inc.

Madame Vera—Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and Mme. Vera, Meigs Building, Bridgeport, Conn., was charged in a complaint with making misleading representations in the sale of a hair and scalp preparation designated as "Madam Vera Hair Grower Salve."

According to the complaint, the respondent represented that her preparation is a competent and effective remedy for dandruff and falling hair; that it grows new hair; that it has been used successfully by thousands of persons, and that the price at which it is offered for sale is a "special" price, when such are not the true facts. (3906)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Chanel, Inc.—Three New York corporations in an order were prohibited from disseminating misleading representations in the sale of perfumes, toilet waters, and other cosmetic preparations. The respondents are: Chanel, Inc., 35 West 34th St.; Parfums Corday, Incorporated, 485 Fifth Ave., and Parfums Lengyel, Ltd., 680 Fifth Ave.

Under the orders, the respondents are to cease representing, through the use of any terms, symbols or picturizations indicative of French or other foreign origin, or in any other manner, that their products which are compounded in the United States are made in France or any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately accompanied with an explanation that such products are made or compounded in the United States.

The order further forbids use of any French or other foreign words as brands or trade names for cosmetic preparations made in the United States without clearly disclosing in immediate connection therewith that such products are made in the United States. The respondents are also prohibited from using any French or other foreign terms to refer to cosmetics made in the United States, unless the English translation or its equivalent appears as conspicuously as, and in immediate connection with, such terms. (3096, 3639 and 3666)

Magnecoil Company, Inc.—Manufacturing blankets and other appliances woven with copper wire and which may be attached to electric light sockets, a Salt Lake City, Utah, company has been directed to cease representing that its devices have value in treating diseases other than that to be obtained by application of heat to the body.

The respondent is Magnecoil Company, Inc., which was found to have violated the Federal Trade Commission Act in making the foregoing and other representations regarding its product.

Among further representations found to have been made by the respondent company in its advertising matter were that use of its products produces radio-magnetic energy or thermo-electric magnetism which will be transmitted to, or have an effect upon, the body; that the products have been endorsed, tested, used, or recommended by hospitals or members of the medical profession; that the respondent company maintains a laboratory or has an advisory or consulting board of medical experts for analyses or advice, and that the respondent's offices occupy a much larger space than is actually the fact.

The order prohibits these representations, specifying in the instance of the assertions regarding a laboratory and medical advisory board, that the respondent shall not make these claims unless it actually owns or controls a scientific laboratory, employs trained scientists or technicians and has such an advisory board. (1846)

National Training Institute, Inc., and its officers, John C. Felber, Arthur W. Groth, and Louise D. Felber, 20 East Jackson Boulevard, Chicago, have been ordered to discontinue misleading representations in the sale of courses of home study instruction for persons intending to take United States Civil Service examinations.

Under the order, the respondents are to cease representing through the use of the word "National," or any similar words, in the corporate or trade name, or in any other manner, that they have any connection with the United States Government, or any of its agencies. The respondents are also to discontinue representing that they are able to secure any advance information with respect to appointments to Civil Service positions which is not available to the general public. The respondents are prohibited from representing that Civil Service positions are always available and that the appointment of the purchasers of the respondents' courses of instruction to such positions is assured or guaranteed by them.

The order also prohibits representations by the respondents that they recommend their students for Civil Service positions and that the recommendations are of value to students seeking such positions. (3304)

Parfums Corday, Inc.—See Chanel, Inc.

Parfums Lengyel, Ltd.—See Chanel, Inc.

Penn Products—See Dr. Ron-Al Medicine Company.

Dr. Penn's Products Company—See Dr. Ron-Al Medicine Company.

Dr. Ron-Al Medicine Company—Irving Sofronski, trading as Dr. Ron-Al Medicine Company, Dr. Penn's Products Company, and Penn Products, 7342 Ogontz Ave., Philadelphia, was ordered to discontinue disseminating misleading representations in the sale of "Dr. Ron-Al's Relief Compound," described as a medical preparation for the relief of delayed menstruation.

The respondent was ordered to cease representing that use of his preparation constitutes a safe, competent or scientific treatment for delayed menstruation, or that its use will have no ill effects upon the user. Sofronski was also ordered to discontinue advertisements which fail to reveal that the use of his preparation may result in serious or irreparable injury to the health of the user.

On petition of the Commission, the United States District Court in Philadelphia on June 30 granted a preliminary injunction prohibiting advertisement of the respondent's product in substantially the same manner as alleged in the Commission's complaint, pending disposition of the case under the Federal Trade Commission Act. (3848)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Corn-Off Company—Whitney B. Corner, trading as Corn-Off Company, 3306 Club Drive, Los Angeles, agreed to cease representing that "Corn-Off" will "cure" corns or similar formations on the skin or cause them to disappear, or that his product will produce any results in any period of time. The respondent will also discontinue claims that "Corn-Off" will not cause harm or soreness because it contains no acid, ether, or collodion. (02443)

Gruen Instrument Company—T. V. McCormick, trading as Gruen Instrument Company, 7917 Exchange Ave., Chicago, stipulated that he will cease representing that his electric shaving instrument is a "sensational shaving innovation" or is worthy of the name "Gruen" or was "Crafted" by Gruen Instrument Company, or that it is "Guaranteed," when the owner is required to pay for repairs or replacements. The respondent will also cease representing the price of his shaver to be in excess of the usual price for which he has always sold it. McCormick also agreed to discontinue claims that his offer is "for a limited time only" or is a "one time super-value," or that all other forms of expensive advertising have been "eliminated," when such are not the facts. (2547)

Montee Publishing Company, Inc.—Misleading representations in the interstate sale of books and pamphlets of advice on how to play the horses, will be discontinued by Montee Publishing Company, Inc., 511 Oakland Ave., Baltimore, under a stipulation. This company also operates under the name "The Library of Systems." Among its pamphlets are "The World Famous Man O' War Method," "Pittsburgh Phil's Method," "The Pressure Play-Cinch System," and "The Guaranteed 50% System."

"THE WORLD FAMOUS Man O' War Method," according to the stipulation, was advertised as a "well known system, which formerly sold at $500 per copy," now "available to the public for only $2 complete. FULLY GUARANTEED.

This pamphlet, the stipulation continues, was described as being "truly, a wonderful opportunity to obtain a TESTED WINNING SYSTEM at a ridiculously low price. We make this claim and CHALLENGE anyone to disprove it—'That the Man O' War Method will win, on an average, more money per week than any System now in existence' . . . The Man O' War Method breaks down barriers that seem impassable; achieves results you have always wanted. Like the great horse, it overcomes all obstacles and WINS!"

Among other of the respondent's representations, as related in its stipulation, were "The Master Key System . . . it selects more horses that win, more horses that place, and more horses that show than any other method in the world, bar none." . . . "The Trainer's Long Shot System. A non-handicapping system based on pure logic that will produce astounding results. $100 is sufficient capital to start play with. As a matter of fact, $50 would carry you through your worst runs of losers, using the progression plan included, and with ordinary luck, $100 capital will win on an average of $25 or more a week." (02445)

National Casein Company, 601 West 80th St., Chicago, and the co-partners, Louis T. Cook, L. Charles Cook, Thomas H. Cook, and Richard S. Cook, agreed to discontinue using the word "Waterproof," or similar words, so as to imply that their casein glue is impervious to water or its effects, when such is not a fact. (2546)

Perfect Cleaning Fluid Company—Louis Ross, trading as Perfect Cleaning Fluid Company, Cliffside, N. J., agreed to cease representing that his "Perfect Cleaning Fluid" is "invaluable for the removal of stains" from fabrics, or "has no injurious effect on the most delicate material," or that colors of materials dyed with non-fast or fugitive dyes will not be impaired by application of his cleaner, when such are not the facts. The respondent further agreed to discontinue representations that his product will not leave a ring when applied to spots on certain fabrics or materials, when such is not a fact. It was also stipulated that Ross will cease claiming that "Roson," a grease and oil detergent, gets into the very heart of the concrete and "pulls" the precipitate to the surface, dries before you can say "Jack Robinson," leaves a stubborn protective film superior to that left by similar products, or removes all stubborn stains from table-cloths and dresses. (2545)

Rapid River Milling Company—See Tri-State Milling Company.

Sunnie May Quilt Company—Leo F. Sines and A. Mary Sines, trading as Sunnie May Quilt Company, Ridgway, Pa., in the sale of quilts, agreed to cease using any fictitious figures purporting to be the regular prices of their merchandise, or representing that a price offered is a special sales price, when such are not the facts. The respondents further agreed to discontinue claims that their regular prices are in any way special, limited or introductory; that the purchaser will save money by ordering within five days or any other specified time, or will save half the cost of his bedding, or that the respondents own, operate or control factories or make the products sold by them, when such are not the facts. (2549)

Southern California Fish Corporation, Terminal Island, Calif., agreed that it will cease using on its labels, or otherwise, the words, "Italia Tonno" or "Tonno" in connection with any other Italian words, pictorial representation, insignia, or otherwise, so as to imply to purchasers or ultimate consumers that its tuna fish are from the coasts of Italy or were packed in and imported from Italy, when such are not the facts. (2548)

Tri-State Milling Company, also trading as Rapid River Milling Company, Rapid City, S. D., agreed to cease representing in connection with its sale of wheat flour designated as "Trisco Flour" and "Swan's Down Flour," that spring wheat, or Black Hills, South Dakota, spring wheat, or the flour milled therefrom, have greater strength, a higher protein content, or a higher absorption factor, or that they make better looking or finer textured loaves of bread or more loaves of bread per bag than all winter wheats or all brands of winter wheat flour; or that they are superior in these respects to any other wheat or flour having as high a protein content. The respondent will also discontinue representing that "Swan's Down" flour makes more loaves of bread per bag, bakes bread of better texture or appearance than any other brand of flour, or that it contains all of the food elements necessary for health. (02444)

FTC CLOSES CASES

The Federal Trade Commission closed its case against Harry G. Cisin, trading as Allied Engineering Institute, 98 Park Place, New York, who was charged with misleading representations in the sale of radio receiving sets.

The Commission was advised that the respondent had suspended the manufacture and sale of radio receiving sets and discontinued the practices charged in the complaint. On September 19, 1939, he submitted a statement adopting and agreeing to abide by the fair trade practice rules for the radio receiving set manufacturing industry promulgated July 22, 1939, in the future conduct of his radio business.

The Commission also closed its case in which W. A., John, and Henry Nieuwenhuis, trading as W. A. Nieuwenhuis & Sons, Kalamazoo, Mich., were charged with misleading representations in the sale of tulip bulbs.

Both cases were closed without prejudice to the right of the Commission to reopen them and resume prosecution, should future facts so warrant.

NAB Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 42, October 20, 1939

Regarding Code Compliance

The National Association of Broadcasters on Thursday made public an exchange of letters between Neville Miller and Theodore Streibert, vice president of the Mutual Broadcasting System, concerning the sponsored broadcasts of Elliott Roosevelt on the Mutual network.

On October 7, Mr. Roosevelt publicly stated that he would violate the NAB Code and would express personal opinions on public controversial matters on his commercially sponsored news commentator's program.

After making inquiry, Mr. Miller on October 13 sent the following letter to Mr. Streibert:

"Dear Mr. Streibert: In his sponsored broadcast over the Mutual Broadcasting System on October 7th, Elliott Roosevelt publicly announced that on his broadcast of that evening he would express a personal and editorial opinion about a public controversial issue and that he realized such expression of personal opinion by a news commentator on commercial time was in violation of the NAB Code. I am of the opinion that Elliott Roosevelt in his broadcast did violate the Code, and I am therefore bringing the matter to your immediate attention. I shall appreciate a reply at your earliest convenience. With kindest regards, I am sincerely yours, Neville Miller."

Today, Mr. Miller received the following reply from Mr. Streibert:

"Dear Mr. Miller: With reference to your letter of October 13th, we held a discussion with Elliott Roosevelt yesterday and reached an agreement which was wholly satisfactory. He will eliminate from all his commercially sponsored broadcasts any expression of personal editorial opinion about public controversial issues. Sincerely yours, T. W. Streibert."

Press dispatches from Boston this afternoon, however, stated that Mr. Roosevelt had announced the resignation of the broadcasting stations he operates in Texas from the NAB, because of the "imposition of a ruling barring expressions of personal opinions on public controversial issues on commercially sponsored programs," declaring that this is "censorship in its worst form".

In commenting upon the situation, Mr. Miller said, "We regret that Mr. Roosevelt has seen fit to disregard the Code voluntarily set up by his fellow broadcasters and resign from the Association.

"His statement charging censorship indicates that perhaps he is not fully conversant with the Code and the vital problems of public policy underlying it. There can be no

(Continued on page 3780)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

REGARDING CODE COMPLIANCE

(Continued from page 3779)

charge of censorship or of the curtailment of free speech when all spokesmen are given an equal footing at the radio rostrum, free of charge.

"This provision of the Code not only insures the widest possible use of radio for public discussions, but it insures as well an impartial and fair opportunity to all spokesmen and groups to use its limited facilities and to be subject to debate and challenge should such develop. This is the Democratic way of doing things.

"It is significant to observe that those who are objecting to the Code and who want to continue to buy time for discussions of public controversies, have refused to accept free time offered on programs where another viewpoint may be fully presented.

"Rather than barring them from the air, as has been charged, the Code recognizes their right to speak, but provides that those holding other views shall not be deprived of the right to present those views under similar conditions.

"The point raised in Mr. Roosevelt's October 7 broadcast, however, involves the propriety of injecting personal opinions on a news commentator's broadcast.

"The press of this country has always recognized the necessity of preserving the integrity of its news columns. Personal opinions are reserved for the editorial page. The integrity of radio news is of parallel importance.

"If Mr. Roosevelt wishes to express personal opinions about public controversial matters on the air, there is nothing to prevent him from doing so on the time freely given for the purpose. But, under this Code, no personal opinions can be presented under the guise of news on any news broadcasts, whether sponsored or unsponsored.

"The NAB Code is based upon principles, not personalities. The provisions of the Code shall continue to be administered fairly and impersonally."

Neville Miller will discuss the Code in an address over the Columbia Broadcasting System, Sunday, October 22, 1:35 to 2:00 p. m. (eastern standard time). His remarks will largely center around the provision of the Code which bars the sale of time for the discussion of controversial public issues.

In discussing this section of the Code, Mr. Miller said this week: "I believe that as a result of this policy, we will have more discussions of public matters, more debates and public forums, than at any time since radio's inception. The direct result of this policy will be to insure an impartial and unbiased presentation of controversial issues since all representative spokesmen will be accorded the opportunity to express their opinions, regardless of their financial status. Each will be subject to debate and challenge should such develop. There can be no question of free speech, or of discrimination, when all spokesmen are given an equal footing at the radio's rostum."

Meetings Ahead

The **Board of Directors of Broadcast Music, Inc.,** will meet in New York on Tuesday, October 31, to approve the plan of organization for submission to the SEC.

The **IRNA Executive Committee** will meet in New York on Wednesday and Thursday, November 1-2.

The **NAB Board of Directors** will meet at the Drake Hotel, Chicago, at 10 a. m., November 2, for a two-day session. The date was changed from November 7 because of the conflict with Election Day.

CODE EDITORIALS

Included with this issue of the NAB Reports are a few of the newspaper editorials dealing with the Code. A more complete cross section of press opinion will be published in a future NAB News Review.

WAGE AND HOUR LAW

The Wage and Hour Administration has decided that employers need not cut their employees' regular work week from 44 to 42 hours until the first work week following Tuesday, October 24. In most instances, this will be the week starting Monday, October 30. After the cut, employees should be paid time and one half for all overtime over 42 hours a week. The new regular hourly rate should be determined by dividing the present weekly pay (for 44 hours) by 42. Where employees now work 42 hours or less, the present regular hourly rate will prevail. The new minimum hourly rate is 30 cents. Any questions regarding the change should be directed to the labor relations director at headquarters.

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FREE OFFERS

Member stations report the following firms seeking free time for commercial purposes:

American Osteopathic Association
MacFadden Publications
"Your Life" Magazine
Ringling Brothers—Barnum & Bailey Circus.

NAB Bureau of Radio Advertising has advised the above concerns, some of whom are regular advertisers in newspapers, that station acceptance of their requests would constitute violation of the NAB Code of Ethics.

Cost-per-inquiry

The Sterling Insurance Company is seeking to place radio advertising on a contingent basis. NAB has advised this company that their percentage proposition is outlawed under the provisions of the NAB Code. The Bureau of Radio Advertising has invited them to use radio on a regular paid basis.

NEW FLORIDA COPYRIGHT LAW COVERED BY INJUNCTION

A special three-judge court today extended temporary injunction granted April, 1938, with respect to the Florida 1937 copyright monopoly law so as to include Florida's new 1939 law on the grounds that the 1937 and 1939 statutes are both aimed at same evil, that no harm would result from temporarily delaying the operation of 1939 statute and that the balance of convenience lay in deciding constitutionality of both statutes at the same time. The court stated positively that no ruling on the merits of the 1939 statute was to be inferred because of its action in extending the existing temporary injunction to cover the 1939 statute. The court refused to rule on ASCAP's motion to strike the Florida Attorney-General's counter-claim in the 1937 suit which counter-claim asked the court to grant an injunction against ASCAP's operations in Florida as it was a price fixing monopoly. The court reserved its decision until final trial on the merits although ASCAP strongly urged that the counter-claim be stricken immediately. The court indicated that the presentation of evidence and the final determination of the constitutionality of both statutes should be had as quickly as possible.

DISTRICT 17 MEETING

A District 17 meeting in Portland, October 6, endorsed both the NAB Code and the copyright program after considerable discussion of each. C. W. Myers, district president, presided. Joseph L. Miller, NAB labor relations director, was a guest and discussed current labor problems in the industry. Broadcasters present:

C. E. Arney, Jr., KOMO-KJR, Seattle; Robt. E. Priebe, KRSC, Seattle; Ted Kooreman, KALE, Portland; C. Roy Hunt, KOIN, Portland; Art Moore, KIT, Yakima; Larry Kirk, KXL, Portland; Little Harry Read, KSLM, Salem, Oregon; John C. Kendall, Kendall Network, Portland; Geo. Kincaid, KFJI, Klamath Falls, Oregon; Marshall H. Pengra, KRNR, Roseburg, Oregon; Tommy Thomas, KIRO, Seattle; H. J. Quilliam, KIRO, Seattle; Arthur L. Bright, KFPY, Spokane; Harry R. Spence, KXRO, Aberdeen, Wash.; Frank H. Loggan, KBND, Bend, Oregon; Henry N. Fowler, KBND, Bend, Oregon; M. R. Chessman, KAST, Astoria, Oregon; Paul H. Connet, KGW-KEX, Portland; Vernice Irwin, KVI, Tacoma; Earl Irwin, KVI, Tacoma; W. Carey Jennings, KGW-KEX, Portland; Sheldon Sackett, KOOS, Marshfield, Oregon; H. M. Feltis, KOMO, Seattle; Bob McCaw, KRSC, Seattle, Wash.

NOVEMBER EVENTS

Opera Season opens latter part of this month.
Automobile shows to be held first or second week of this month.
November 6-11—Father and Son Week
Education Week
November 7 —Election Day
November 11 —Armistice Day, Ending of World War, 1918
November 11-18—National Fur Week
Red Cross Week
November 12-19—Book Week
November 18 —Congress adopted Standard Time in 1883
November 19 —Lincoln's Gettysburg Address, 1863
November 20-25—Hobby Week
November 23 —Thanksgiving Day in some states
Nov. 27-Dec. 2 —National Prosperity Week
November 30 —Thanksgiving Day in some states.

NEW FCC PUBLICITY CHIEF

The Federal Communications Commission has announced that George O. Gillingham, senior information service representative and chief of the Washington information office of the Tennessee Valley Authority, has been secured on a loan basis from that agency for a period of three months to occupy the position of Chief of the Office of Information of the Communications Commission.

Mr. Gillingham was formerly associated with the Newark (N. J.) Star-Eagle, Newark Sunday Call and covered North Jersey for three Philadelphia dailies, i.e., North American, Press, and Evening Bulletin. He also did feature writing for the New York Sunday World and has had varied experience in magazine work, having contributed articles to Saturday Evening Post, Current History, Bookman, New Yorker, Esquire, etc. At one time Mr. Gillingham was managing editor of the Pathfinder magazine and at the same time edited a department in Golden Book.

Mr. Gillingham was in the military service from 1918 to 1920 and for a time commanded Company K of the 1st Gas Regiment. He is a member of the National Press Club and Past Commander of the National Press Club Post of the American Legion.

Mr. Gillingham will report for full time duty at the Commission on Monday, October 16th.

The Commission also announced that C. Alphonso Smith, who was borrowed from the Soil Conservation Service last December and who has been serving as Acting Director of Information since April 1, 1939, would remain to assist Mr. Gillingham until November 1, 1939, when his leave period expires.

DISTRICT COURT UPHOLDS FCC

United States Court of Appeals for the District of Columbia this week handed down a decision in the case of KWTN of Watertown, South Dakota, against the FCC, in which the Court upheld the Commission.

In this case the FCC charged that the station had operated in violation of the Commission's rules governing the technical operation of broadcast stations and the Commission refused to renew the station's license.

The Court of Appeals in its decision in upholding the Commission's action stated that "the report, findings, and grounds of decision are amply substantiated by the evidence contained in a voluminous record. Appellant does not deny their correctness but does deny that they provide a proper basis for the Commission's decision." The Court's decision says further that "appellant places considerable stress, also, upon the need for broadcasting services in the area served by Station KWTN, and upon the fact that 'No question was raised upon the record with respect to the efficiency of the station's present transmitting equipment and antenna system or the suitability of its site.' These are no doubt important considerations, to be weighed by the Commission in making its determination. But other considerations are important also, including the willingness and ability of the licensee to comply with the law and with the rules and regulations prescribed by the Commission; in order to guarantee so far as possible a wholesome policy in management and operation.

"We think the record in the present case fully justifies the Commission's action in refusing to renew the license."

BROADCAST MEASUREMENTS

During the month of September the Federal Communications Commission experts measured 704 stations with 88 not measured.

Of those measured 648 had a maximum deviation within 0-10 cycles; 48 had a maximum deviation within 11-25 cycles; and 7 a maximum deviation of 26-50 cycles; 1 station had a maximum deviation of over 50 cycles.

PROPOSED FINDING OF FACT

The Federal Communications Commission this week announced its Proposed Findings of Fact proposing to deny the applications of KOH, **Reno, Nevada,** for a construction permit to change present location of transmitter, install new equipment, and change the operating assignment from **1380** with 500 watts power, unlimited time, to **630 kilocycles** with 1 KW, unlimited time, using directional antenna at night. The application of KERN, **Bakersfield, Calif.,** for construction permit to change from **1370 kilocycles,** 100 watts, unlimited time, to **1380 kilocycles,** 1 KW, unlimited time, is contingent upon the grant of the application of KOH, as the frequency requested by KERN is that now used by KOH.

The Commission stated that it is unable to find that public interest, convenience or necessity would be served by the granting of these applications, and "they must therefore necessarily be denied."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 23. They are subject to change.

Monday, October 23

NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

Hearing Before the Committee to Be Held in Room 1411

In the Matter of Amendment of Rules 3.94(a) and 4.10, formerly 177 and 177.1 respectively, on Petition of Mayor LaGuardia of the City of New York.

Tuesday, October 24

NEW—C. L. Weathersbee, W. H. Nichols, C. L. Pickler, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—C. P., **1370 kc.,** 100 watts, daytime.

Wednesday, October 25

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—C. P., **560 kc.,** 1 KW, unlimited time (DA night). Present assignment: **1200 kc.,** 100 watts, 250 watts LS, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.,** 100 watts, unlimited time. Present assignment: **1200 kc.,** 100 watts, specified hours.

Thursday, October 26

Reargument Before the Commission

Report No. I-476:

NEW—Summit Radio Corp., Akron, Ohio.—C. P., **1530 kc.,** 1 KW, unlimited time (DA night).

Report No. I-755:

NEW—Orville W. Lyerla, Herrin, Ill.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1310 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, 250 watts LS, specified hours (KFVS).

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license, **1210 kc.,** 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.,** 100 watts, 250 watts LS, specified hours (WEBQ).

Friday, October 27

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—C. P., **1310 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

November 8

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.,** 100 watts, unlimited time.

Hearing to Be Held in Room No. 4, Twelfth Floor, Post Office Building, Boston, Massachusetts

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), **1410 kc.,** 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

November 27

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.,** 1 KW, limited time (KEX and KOB).

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.,** 100 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted C. P. to install new equipment and increase power to 250 watts, unlimited time.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted C. P. to move transmitter site locally, make changes in equipment, install vertical radiator and increase power from 100 watts to 250 watts.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Granted modification of license to change frequency from **1400** to **1200 kc.**

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted modification of license to increase night power to 250 watts.

WCLE-WEHB-WEHB-WEHF—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted assignment of licenses from Cleveland Radio Broadcasting Corp. to United Broadcasting Company (1 broadcast Station, WCLE, and three relay stations).

WHK-W8XNT-W8XE-WEHX-WEHV-WHU—Radio Air Service Corp., Cleveland, Ohio.—Granted assignment of broadcast station license WHK, high frequency station W8XNT, facsimile station W8XE, and relay stations WEHX, WEHV and WEHU, to the United Broadcasting Company.

WHKC—Associated Broadcasting Corp., Columbus, Ohio.—Granted assignment of broadcast station license for station WHKC to the United Broadcasting Company.

NEW—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted C. P. for new station to operate on **1420 kc.,** 250 watts, unlimited time, exact transmitter studio site and type of antenna to be determined with Commission's approval.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Designated for hearing, before Commissioner Case, the application of WHDH for modification of license and C. P. to operate unlimited time on the clear channel frequency **830 kc.,** with 5 KW.

NEW—Broadcasting Corp. of America, Riverside, Cal.—Application for C. P. for new station to operate on **1390 kc.,** 1 KW, unlimited time (request contingent on station KOY change in frequency).

NEW—R. B. Terry, D. A. Hawley, Stanley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Application for C. P. for new station to operate on **1420 kc.,** 100 watts daytime, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period: KRNT, Des Moines, Iowa; KSO, Des Moines, Iowa; WAGA, Atlanta, Ga.; WDRC, Hartford, Conn.; WHAZ, Troy, N. Y.; WKBW, Buffalo, N. Y.; WNBC, New Britain, Conn.; WJSV, Washington, D. C.; WOKO, Albany, N. Y., and auxiliary; WTAQ, Green Bay, Wis.; KABR, Aberdeen, S. D.; KGNC, Amarillo, Texas; KGMB, Honolulu, Hawaii; KHBC, Hilo, Hawaii; KIDO, Boise, Idaho; KFH, Wichita, Kans.; KTUL, Tulsa, Okla.; WFBC, Greenville, S. C.; WHOM, Jersey City, N. J.

The following stations were granted renewal of licenses for the period ending June 1, 1940: KGGM, Albuquerque, New Mexico; WDSU, New Orleans, La.; WHBF, Rock Island, Ill.; WHBI, Newark, N. J.; WNEW, New York, N. Y.

The following station was granted renewal of license for the period ending April 1, 1940: (High Frequency Broadcast Station) W4XBW, Chattanooga, Tenn.

The following stations were granted renewal of licenses for the period ending October 1, 1940: (Relay Broadcast Stations) KABE, National Battery Broadcasting Co.; KAIE, National Battery Broadcasting Co.; WABV, Juan Piza; KNEF, Radio Service Corp. of Utah; WAXH, Savannah Broadcasting Co., Inc.

MISCELLANEOUS

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:00 p. m. to 9:30 p. m., EST, on October 11, 1939, using 100 watts power, in order to broadcast testimonial dinner speeches in honor of Charlie Keller.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, for the period beginning October 12, 1939, and ending in no event later than November 10, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.,** reduces power so that additional interference is not involved, or until defective directional system of CMQ is corrected by installing new tuning condensers.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9:00 a. m. to 10:00 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period beginning October 31, 1939, and ending in no event later than November 29, 1939, in order to broadcast educational programs.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 p. m. to 3 p. m. on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28 and from 3 p. m. to 3:30 p. m. on November 6, 13, 20, 27, and from 9:15 p. m. to 10 p. m. on November 14, 1939, in order to permit Station WNAD to broadcast special educational programs; to operate from 8:15 p. m. to 9:15 p. m., November 29 and 7:15 p. m. to 9:15 p. m., CST, on November 30, 1939, in order to permit WNAD to remain silent during Thanksgiving vacation; to operate from 7:15 p. m. to 9:15 p. m., CST, on November 2, 1939, in order to broadcast football game (provided WNAD remains silent).

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 3 p. m., to 3:30 p. m., on November 6, 13, 20, 27 and 9:15 p. m. to 10 p. m. on November 14, in order to broadcast special educational programs (provided KGGF remains silent); to remain silent from 8:15 p. m. to 9:15 p. m., on November 29 and from 7:15 p. m. to 9:15 p. m., CST, on November 2, 1939, in order to allow KGGF to broadcast special football game.

National Broadcasting Co., Inc., New York, N.Y.—Granted special temporary authority to rebroadcast program material to be received from Forestry Service radio stations in the northwestern part of the U. S. over Radio Stations KGO and KPO and affiliated network stations of the NBC, for a period not to exceed 30 days, in order to educate the public on fire prevention and describe activities of the Forestry Service personnel in the control of fires when they develop.

The Commission has dismissed the application of WGRC, **New Albany, Indiana,** to change its frequency from **800** to **880 kilocycles** and from daytime to unlimited time operation "without prejudice", but has denied the motion "to continue date for oral argument."

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing on application for renewal of license from October 20 to November 27.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted motion for continuance of hearing on application for C. P. to change frequency and increase power, from November 2, for at least 30 days, new date to be fixed by Secretary's Office.

NEW—Hazlewood, Inc., Orlando, Fla.—Granted petition for leave to amend application to reduce night power from 1 KW to 500 watts, and hearing scheduled for December 11, cancelled.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate with power of 250 watts from local sunset (Oct. 5:15 p. m., CST), to 8 p. m. on October 14, in order to furnish maximum local coverage of the Calif.-Ill. football game.

WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate between the hours of 2 and 5:30 p. m., EST, on Oct. 21, 28, Nov. 18, in order to broadcast football games only.

WSPD—The Fort Industry Co., Toledo, Ohio.—Granted special temporary authority to operate from 2 to 3 a. m., EST, on Oct. 15, with 5 KW, in order to broadcast a special "DX Program" conducted in connection with the Newark News Radio Club's special program entitled "Parade of Ohio."

WLOK—The Fort Industry Co., Toledo, Ohio.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, on Oct. 20, 26 and Nov. 10, in order to broadcast football games.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Oct. 5:45 p. m., EST) to midnight on Oct. 25, power 250 watts, in order to broadcast celebration of first anniversary of the opening of Radio Station WPIC.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to use ultra high frequency transmitter authorized to be used by Television Broadcast experiment station W2XDR, by Facsimile Broadcast Station W2XR, for a period not to exceed 30 days, pending action on Modification of license for W2XR.

W1XKB—Westinghouse Elec. & Mfg. Co., East Springfield, Mass. —Granted license to cover C. P. for high frequency broadcast station; frequency **42380 kc.,** power 1000 watts; granted upon an experimental basis only, conditionally.

W1XSN—Westinghouse Elec. & Mfg. Co., East Springfield, Mass. —Granted license to cover C. P. for high frequency broadcast station; frequency **42600 kc.,** power 1000 watts; granted upon an experimental basis only, conditionally.

WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted Modification of C. P. for approval of studio and transmitter site, installation of vertical radiator and changes in authorized equipment.

WFIG—J. Samuel Brody, Sumter, S. C.—Granted modification of C. P. for approval of studio and transmitter sites, changes in authorized equipment and installation of vertical radiator.

KGCX—E. E. Krebsbach, Wolf Point, Montana.—Granted authority to install automatic frequency control in station KGCX.

WFAA—A. H. Belo Corp., Dallas, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequency **31200, 35620, 37020, 39260 kc.,** power 10 watts.

NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequency **31200, 35620, 37020, 39260 kc.,** power 2 watts.

NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted license to cover above C. P.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time with 1 KW for the period beginning October 17, 1939, and ending in no event later than November 15, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs, and news of national and international events of extreme local interest, both of local origin and from the Columbia Broadcasting System.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS Oct. 5:30 p. m. and Nov. 4:45 p. m., CST), for the period beginning October 15, 1939, and ending in no event later than November 13, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from the Mutual Broadcasting System.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from (Oct. 6:15 p. m. and Nov. 5:45 p. m., EST) to 9 p. m., EST, for the period beginning October 15, 1939, and ending in no event later than November 13, 1939, in order to broadcast political, local, and network programs as described in letter dated October 2, 1939.

W9XTA—Schonert Radio Service, Harrisburg, Ill.—Denied motion to dismiss application for renewal of license of station W9XTA without prejudice, and denied application as in default.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Granted motion insofar as it requests leave to file an amended application seeking a different operating assignment (original application was for **1420 kc.,** 100 watts night, 250 watts LS, unlimited time), and removed the application in its original form from hearing docket.

NEW—G. E. Palmer, Hot Springs, Ark.—Denied petition for rehearing and for intervention therein in re application of Hot Springs Broadcasting Company, Hot Springs, Ark., for new station to operate on **1310 kc.,** 100 watts night, 250 watts LS, unlimited time, granted by the Commission, without hearing, on July 26, 1939.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate additional time on November 5, 12, 19, and 26, in order to broadcast church services only, and on November 10, 17, 30, in order to broadcast football games only, using 100 watts only.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from local sunset (Oct. 5 p. m. and Nov. 4:30 p. m., EST) to 6 p. m., EST, for the period October 17 to November 15, in order to broadcast outstanding local, civic, educational, charitable, religious, and commercial programs.

KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10:25 to 11 a. m., MST, on Tuesdays and Thursdays, for a period not to exceed 30 days, in order to broadcast public school programs.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Scheduled oral argument to be held November 2, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate additional time to broadcast football games only, on October 20 and November 3 and 16, 1939.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST) to midnight on November 7, in order to broadcast election returns; to completion of game on November 18, in order to broadcast Dartmouth-Cornell football game; to midnight on November 21, in order to broadcast primary election returns, using 1 KW power.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST) to midnight, with power of 250 watts, on November 7, in order to broadcast city, county, and state election returns, and to occupy lulls between election bulletins with recordings and transcriptions in order to hold audience.

NEW—Lawrence J. Heller, Washington, D. C.—Adopted proposed findings (No. B-67), entered on September 13, 1939, denying without prejudice the application for a new station in Washington to operate on **1310 kc.**, with 100 watts night, 250 watts LS, unlimited time, and for special experimental authorization to construct and operate a synchronous station to be used in conjunction with the facilities requested in C. P., using 10 to 100 watts power, unlimited time. The order in this case will become effective October 19, 1939.

WAGF—Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate additional time on October 27 in order to broadcast Dothan High School-Sidney Lanier High School football games only.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate additional time simultaneously with station KICA, on October 20, 27, November 3, 10 and 17, in order to broadcast the Roswell High School football games only.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Granted special temporary authority to rebroadcast program written by Army Air Corps Public Relations Office, Randolph Field, Texas, to be received from an Army airplane, call letters RW-9, operating on frequency **3415 kc.**, over station KGKO from 5 to 5:15 p. m., CST, on October 24.

W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the transmitting apparatus of high frequency broadcast (exp.) station W8XNU (located at the southeast corner Warner and Chickashaw Streets, Cincinnati), for the period October 18 to November 13, in order to make mechanical improvements in antenna and transmitting equipment.

APPLICATIONS FILED AT FCC

550 Kilocycles

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Voluntary assignment of license from Columbia Broadcasting System, Inc., to The Cincinnati Times-Star Co.

570 Kilocycles

WMAM—M & M Broadcasting Co., Marinette, Wis.—License to cover C. P. (B4-P-2130) for new station.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Authority to determine operating power by direct measurement of antenna power.

WWNC—Asheville Citizen Times Co., Inc., Asheville, N. C.—Authority to determine operating power by direct measurement of antenna power.

610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—C. P. to install new transmitter; increase power from 1 KW to 5 KW; move transmitter from 21st and Hamilton Sts., Philadelphia, Pa., to east of Brooklawn, N. J., 0.5 mile southeast of intersection of Kings Highway and Route 45, 6.2 miles southeast of City Hall, Philadelphia, Pa. Install DA for day and night use. Amended re antenna changes.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—License to cover C. P. (B-P-2129 and B-MP-693) for new station.

640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—License to cover C. P. (B4-P-2402) for changes in equipment and move of studio and transmitter sites. Amended re frequency check.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of license to change hours of operation from limited to unlimited time, using directional antenna from sunset at San Francisco, Calif.

870 Kilocycles

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Authority to determine operating power by direct measurement.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Authority to determine operating power by direct measurement.

930 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to increase power from 250 watts, 500 watts LS to 250 watts; 1 KW LS.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Authority to determine operating power by direct measurements.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P. to increase power from 1 KW; 5 KW LS to 5 KW day and night, install directional antenna for night use. Amended: re antenna.

1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—C. P. to install new transmitter, make changes in antenna, change frequency, power and time from **1040 kc.**, 250 watts, daytime, to **1390 kc.**, 500 watts; 1 KW LS, unlimited time. Contingent on KOY going to new frequency. Amended: re: equipment.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of license to change frequency and hours of operation from **1050 kc.**, daytime, to **1130 kc.**, limited, KSL, using 1 KW power day and night. (Contingent on WJJD's application for change in frequency, B4-P-2532.)

1070 Kilocycles

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Authority to determine operating power by direct measurement of antenna power.

1160 Kilocycles

NEW—Old Colony Broadcasting Co., Inc., Brockton, Mass.—C. P. for a new station on **1160 kc.**, 500 watts, daytime. Amended: To give transmitter site as Torrey and Pearl, Brockton, Mass.

1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Authority to determine operating power by direct measurement of antenna power.

WHBY—WHBY, Inc., Green Bay, Wisc.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power day and night.

KFXJ—R. G. Howell & Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1210 Kilocycles

NEW—M. W. Plowman & F. Koren, d/b as Midland Broadcasting Co., Watertown, S. D.—C. P. new station on **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Amended: Antenna.

NEW—Palm Radio Co., Fort Myers, Fla.—Construction permit for a new station on **1210 kc.**, 250 watts, unlimited time operation.

NEW—M. W. Plowman & F. Koren, d/b as Midland Broadcasting Co., Watertown, S. D.—C. P. for new station on **1210 kc.**, 100 watts; 250 watts LS, unlimited time. Amended: To request 250 watts power day and night.

NEW—T. Frank Smith, Houston, Texas.—C. P. for a new station on **1210 kc.,** 250 watts power, unlimited time.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Modification of C. P. (B2-P-1475) as modified for new station requesting increase in power from 100 watts; 250 watts LS, to 250 watts day and night, and extend commencement and completion dates to 60 days after grant and 180 days thereafter.

KYUM—Yuma Broadcasting Co., Yuma, Arizona.—Modification of C. P. (B5-P-2412) for a new station, requesting approval of antenna and approval of transmitter and studio site at s. w. corner First St. & 19th Avenue, Yuma, Arizona.

WOCB—Harriett M. Alleman & Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of C. P. (B1-P-1140) as modified, for a new station, requesting increase in power from 100 watts; 250 watts LS, to 250 watts day and night.

1220 Kilocycles

WDAE—Tampa Times, Co., Tampa, Florida.—C. P. to make changes in equipment, install directional antenna for day and night use and increase power from 1 KW; 5 KW LS, to 5 KW day and night.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—C. P. to install new transmitter.

1250 Kilocycles

KIT—Carl E. Haymond, Yakima, Wash.—Authority to determine operating power by direct measurement.

1280 Kilocycles

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Construction permit to make changes in equipment and increase power from 500 watts to 1 KW.

1310 Kilocycles

WSGN—The Birmingham News Co., Birmingham, Ala.—C. P. to install new antenna, increase power from 100 watts, 250 watts LS to 250 watts day and night, and move transmitter from 1627 North 20 Way, to 2200 Fourth Avenue, North, Birmingham, Alabama.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brennen, d/b as J. K. Patrick & Company, Athens, Ga.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of C. P. (B3-P-1714) for new station, requesting approval of antenna, and studio site at 7th Floor Liberty National Bank Bldg., Bull and Broughton Sts., Savannah, Ga. Install new transmitter, and give transmitter site as President St., 1 mi. east of Savannah, Ga. Amended: To move transmitter 1200 feet (same address).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—C. P. to install new transmitter, vertical antenna, increase power from 100 watts, 250 watts LS to 250 watts day and night, move transmitter from Atlas Tack Corporation, Fairhaven, Mass., to site to be determined, in or near New Bedford, Mass.

1370 Kilocycles

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Authority to determine operating power by direct measurement of antenna power. For satellite station located at Lawrence, Mass.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Authority to determine operating power by direct measurement of antenna power.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Modification of license of auxiliary to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WMSL—Tennessee Valley Broadcasting Company, Inc., Decatur, Ala.—C. P. to make changes in transmitter and antenna, increase power from 100 watts to 250 watts, change hours of operation from daytime to unlimited, and move studio and transmitter from 418½ North Second Ave., Decatur, Ala., to 511 Bank St., Decatur, Ala.

WCNC—Aubrey G. McCabe & Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—License to cover C. P. (B3-P-2269) for a new station.

WCNC—Aubrey G. McCabe & Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Authority to determine operating power by direct measurement of antenna power.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Authority to determine operating power by direct measurement of antenna power.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—C. P. to make changes in transmitting equipment, and increase power from 100 watts to 250 watts.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—C. P. to make changes in equipment, increase power from 100 to 250 watts day and night.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

NEW—Midwestern Broadcasting Co., Traverse City, Mich.—C. P. for new station on **1370 kc.,** 250 watts, unlimited time.

1380 Kilocycles

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Modification of C. P. (B3-P-2242) for increase in power, and move of transmitter requesting approval of antenna and approval of transmitter site at Mobile, Ala.

1390 Kilocycles

NEW—Hazlewood, Inc., Orlando, Fla.—C. P. for a new station on **1390 kc.,** 1 KW, unlimited time. Amended to request 500 watts, 1 KW LS, power.

1400 Kilocycles

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW, day and night, using D. A.

1420 Kilocycles

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Arlington Broadcasting Corp., Arlington, Va.—C. P. for new station on **1420 kc.,** 250 watts, unlimited time.

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—C. P. for a new station on **1420 kc.,** 250 watts, unlimited time.

KXL—KXL Broadcasters, Portland, Ore.—C. P. to install new transmitter and directional antenna for day and night use; change frequency from **1420 kc.** to **730 kc.;** increase power from 100 watts, 250 watts LS, to 10 KW; change time from shares with KBPS to unlimited time; move transmitter to 7 miles southeast of Portland, Oregon, and move studio to 1101 SW Washington, Portland, Oregon. Amended to request **740 kc.,** limited time, and changes in directional antenna.

KRBM—KRBM Broadcasters, Bozeman, Mont.—License to cover construction permit B5-P-1542 as modified, for new broadcast station.

1530 Kilocycles

NEW—Grant Union High School District, North Sacramento, Calif.—C. P. for a new station on **1530 kc.,** 100 watts, daytime. Amended to request 1 KW power, unlimited time, give studio site as Grand Ave., and transmitter site as Grand and Cherry Sts., North Sacramento, Calif.

MISCELLANEOUS

NEW—The Louisville Times Co., Louisville, Ky.—C. P. for new relay broadcast station to be operated on **1646 kc.,** 50 watts, A-3 emission. Amended to specify frequencies **1646, 2090, 2190** and **2830 kc.**

NEW—Zenith Radio Corporation, Chicago, Ill.—C. P. for new high frequency broadcast station to be operated on **42800 kc.,** 5000 watts, special emission for frequency modulation, unlimited time. Amended re emission special for frequency modulation only.

NEW—Pacific States University, Los Angeles, Calif.—C. P. for a new non-commercial educational broadcast station to be located at 1117 Venice Blvd., Los Angeles, Calif., on the frequency **41300 kc.,** power of 100 watts, emission A-3.

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of C. P. (B1-PVB-6) as modified, to extend completion date from 12-16-39 to 6-16-40.

W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license for change in authorized frequencies from **42000-56000, 60000-86000 kc.** to **96000-102000 kc.,** in accordance with revised rules.

WEGI—The Baltimore Radio Show, Inc. (Portable-Mobile), (Baltimore, Md.).—License to cover C. P. (B1-PRE-282) to make changes in equipment and increase power from 1 watt to 2 watts.

WEGJ—The Baltimore Radio Show, Inc. (Portable-Mobile), (Baltimore, Md.).—License to cover C. P. (B1-PRE-283) to make changes in equipment and increase power from 1 watt to 2 watts.

NEW—The Yankee Network, Inc., north of Alpine, N. J.—Construction permit for a new high frequency broadcast station at north of Alpine, N. J., on **43000 kc.,** 50 KW power, special emission.

NEW—The Yankee Network, Inc., Mount Washington, N. H.—Construction permit for new high frequency broadcast station on summit of Mount Washington, N. H., on **42600 kc.,** 5 KW power, special emission.

WAIN—Peoria Broadcasting Co., area of Peoria, Ill.—License to cover C. P. (B4-PRY-189) for new relay station.

W9XAL—First National Television, Incorporated, Kansas City, Mo.—Modification of license for change in frequencies from **42000-56000, 60000-86000 kc.** to **44000-50000 kc.,** in accordance with new rules.

WHPT—Radio Station WMFR, Inc., High Point, N. C.—Modification of C. P. (B3-PRY-168) for replacement of transmitter.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for new television station located at site to be determined, Philadelphia, Pa., on **78000-84000 kc.,** 1 KW power, A-5 emission, unlimited time. Amended to add A-3 for aural broadcast and add aural transmitter.

W9XK—University of Iowa, Iowa City, Iowa.—Modification of license to request frequency band **210000-216000 kc.,** and make changes in equipment.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Tobacco Company, New York, has been served with a complaint alleging violation of the Robinson-Patman Act in the sale of tobacco products.

The complaint alleges that the respondent company discriminated in price between different purchasers of its products of like grade and quality by including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondent's products of like grade and quality.

It is alleged that The American Tobacco Company compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments, it is alleged, were not available to other competing distributors.

To some jobbers, the respondent is alleged to have allowed a longer period for payment at a 2 per cent cash discount than the 10 days usually allowed to others for payment at the same discount. This allowance of time allegedly constituted a service to American Tobacco Company's customers which became of greater value as the length was extended.

The complaint charges that the respondent has established the relationship of seller and customer between it and retail tobacco distributors by means of its many dealings with them and particularly through the medium of its salesmen or "missionary men." (3927)

Charles of the Ritz Distributors Corp.—In a complaint, Charles of the Ritz Distributors Corporation, 9 University Place, New York, was charged with the dissemination of misleading representations in the sales of "Charles of the Ritz Rejuvenescence Cream."

According to the complaint, the respondent untruly represented that its cosmetic preparation will rejuvenate the skin of the user and restore youth and the appearance of youth to skin to which it is applied, regardless of the condition of the skin or the age of the user, when such are not the facts. (3923)

Federal Yeast Corporation—A complaint has been issued against the Federal Yeast Corporation, Colgate-Highlandtown, Baltimore, charging it with price discrimination in violation of the Robinson-Patman Act.

According to the complaint, the respondent has been discriminating in price by allowing to certain purchasers of its bakers' yeast used in the manufacture of bread and allied products, different prices than allowed other of its competing purchasers for products of like grade and quality. It is alleged that further discrimination in price between different competing purchasers of its products is brought about as a result of the respondent's delivering, without specific charge, large quantities of bakers' yeast to certain of its purchasers, in addition to yeast actually sold to these same customers, thus reducing the cost to favored purchasers of the yeast actually bought, while at the same time not furnishing such additional yeast to other competing purchasers who pay the same price per pound for the product. The respondent also has allegedly been granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers and not to others who pay in the same manner and within the same time as those receiving such discounts. (3926)

Fine-Crahan Candy Company—In a complaint issued against Fine-Crahan Candy Company, 222-224 West Fourth St., Oklahoma City, the company was charged with the use of lottery schemes in the sale of candy.

According to the complaint, the respondent supplied dealers with push cards for use in the sale and distribution of its candy by means of a lottery scheme. (3925)

Liggett & Myers Tobacco Company, Inc.—Two additional complaints against tobacco companies alleging violation of the Robinson-Patman Act have been issued. Respondents are Liggett & Myers Tobacco Company, Inc., New York, and Stephano Brothers, Philadelphia.

Price discrimination is alleged to have taken place in connection with the Liggett & Myers company's practice of including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondent's products of like grade and quality.

To some jobbers, the Liggett & Myers company is alleged to have allowed 60 days for payment at a 2 per cent cash discount, while generally to others 10 days was allowed for payment at the same discount. This allowance of time allegedly constituted a service to the respondent's customers which became of greater value as the length was extended.

It is alleged that both respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments allegedly were not available to other competing distributors.

The complaints allege that the respondents have established the relationship of seller and customer between them and their "indirect buying customers" who are not on their "direct list" by means of their many dealings with them and particularly through the medium of their salesmen or "missionary men."

For illustration of a common practice in this connection, the complaint against Liggett & Myers recites that on January 12, 1939, one of this company's missionary men sold to Indianapolis retail distributors "not on direct list," "Velvet Tobacco" at $1.12 a dozen, with one package free with each dozen, or at approximately $1.03½ a dozen, when its standard price to jobbers in that city was about $1.12½ per dozen. It is alleged that Liggett & Myers thus sold to such retail disttributors at a lower price than it was selling the same tobacco in the same and larger quantities to Indianapolis jobbers. Such retailers, it is alleged, were thus enabled to sell at 10 cents each package of "Velvet Tobacco" advertised as the "regular 15 cent size." (3921-3922)

Stephano Brothers—See Liggett & Myers Tobacco Company, Inc.

Von Schrader Manufacturing Company—In a complaint, Von Schrader Manufacturing Company, Racine, Wis., was charged with the dissemination of misleading representations in the sale of an electric machine designed "Von Schrader Portable Carpet Washer."

According to the complaint, the respondent represented directly or by implication that its carpet washers remove germs and microbes from carpets and rugs, and restore and renew the colors and shades of carpets and rugs, when such are not the facts.

The respondent allegedly also advertised that purchasers of its carpet washers normally earn $200 a week, $400 a month and various similar sums, when in truth the earnings of such persons are substantially less than these amounts. (3924)

White King Soap Company—In a complaint, White King Soap Company, 617 East First St., Los Angeles, was charged with the dissemination of misleading representations in the sale of "White King Granulated Soap" and "White King Toilet Soap."

According to the complaint, the respondent misleadingly represented that White King Granulated Soap, a laundry soap, is the only soap with which articles can be satisfactorily washed in cool water and in water at 98 degrees temperature; that it is three times as efficient in the cleansing of articles as other soaps; that its use in washing textiles removes the necessity for use of bleaching and bluing, and that it will remove all spots and stains from articles, when such are not the facts. Further alleged misleading representations are that White King Granulated Soap prevents fine fabrics from fading or shrinking; that its ingredients are superior to that of all other soaps; that the washing of clothes in cool water causes them to be brighter and whiter than washings in hot water, and that the washing of fabrics in hot water injures the fabrics and causes them to shrink, when such are not the facts.

The complaint also charges the respondent with having untruly advertised that the use of White King Toilet Soap keeps the skin fresh and supple regardless of the age or condition of the skin of the user, and that it prevents and removes wrinkles, when such is not the case. (3928)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coty, Inc., Wilmington, Del., and Coty Products Corp., 423 West 55th St., New York, were ordered to discontinue misleading representations in the sale and distribution of perfume.

Under the order, the respondents are to cease representing through the use of the term "Paris" or "Paris, France," or of any other terms, symbols, or picturizations indicative of French or other foreign origin of such product, or in any manner, that perfumes which are made in the United States are made in France, or in any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately accompanied by an explanation that such product is made in the United States. The order further prohibits use of any French or other foreign terms to refer to perfumes made in the United States, unless the English translation or its equivalent appears as conspicuously and in immediate conjunction therewith.

The respondents are also ordered to cease using the terms "Coty, Parfums de Luxe" or any other French or other foreign words as brand or trade names for perfumes compounded in the United States, without clearly and conspicuously stating that such products are compounded in the United States.

Due to the dissolution of Coty Processing Co., Inc., Coty, Inc., of New York, Coty Company, Ltd., a Maryland corporation, Coty Company, Ltd., a Tennessee corporation, Coty California Corporation, Coty New Jersey Corporation and Coty Sales Corporation, the Commission closed its case against these concerns, without prejudice to its right to reopen it and resume prosecution, should future facts so warrant. (3325)

Coty Products Corp.—See Coty, Inc.

Cuban Health Products, Inc., 125 E. Kalamazoo St., Lansing, Mich., has been ordered to discontinue misleading representations in the sale of "El Aquinaldo Cuban Honey."

Under the order, the respondent is to cease advertising that its product is a cure for coughs, colds, asthma, bronchitis, or similar respiratory disorders, and is a treatment for such conditions other than as a palliative for coughs due to local throat irritations or for local irritations of the nose. The order further prohibits representations that the respondent's product is a cure or treatment for stomach ulcers, other than as a bland food where a bland diet would be prescribed. (3733)

Dewberry Engraving Company—Ralph Dewberry, trading as Dewberry Engraving Company, Birmingham, Ala., has been ordered to discontinue unfair disparagement of competitors' products in the sale of engraved stationery, business and social cards and allied products.

Findings of the Commission are that the respondent distributed to prospective customers letters containing, in part, the following:

> "You will be disappointed if you read this letter— . . . Disappointed in the price you have been 'soaked' for engraving in the past. Not that your engraver could really help charging you so much; with old-style, out-of-date equipment, he had to get a high price.
>
> "Our prices are the LOWEST in the United States because we have the most modern plant in the country and specialize on engraved stationery. . . ."

Further findings show that the pantograph method of engraving, used by approximately 90% of the engravers in this country, and which is particularly disparaged by the respondent, is not accomplished with "old-style," "out-of-date" or obsolete equipment.

Under the order, the respondent is prohibited from representing that engraving produced from plates incised by hand or by the pantograph method or by any method other than that used by the respondent is old-style, out-of-date, antiquated or inferior. (3135)

Ward Manufacturing Company—Ward M. Jones and John H. Jones, trading as Ward Manufacturing Company, 109 East Milwaukee Ave., Detroit, have been ordered to discontinue misleading representations in the sale of "Hydro-Flue," a flue attachment to be used instead of stove pipes in gas ranges.

Findings of the Commission are that the respondents misleadingly represented that their device is the only satisfactory flue attachment on the market, when, in truth, it is sold in competition with similar devices. Further findings are that the respondents claimed their device constitutes a safe substitute for stove pipes on gas ranges, when actually there is no device which will effectively remove carbon monoxide fumes from the products of combustion emitted by gas-burning appliances.

Under the order, the respondents are prohibited from representing that "Hydro-Flue," or any similar device, is the only attachment which is a satisfactory substitute for stove pipes on gas ranges; that its use is safe, or that it eliminates or removes the carbon monoxide gas emitted by gas ranges. (3509)

STIPULATIONS

The Commission has entered into the following stipulations:

Birnbaum Company—Maurice Birnbaum, trading as Birnbaum Company, 20 Bond St., New York, agreed to cease representing that his products, such as zipper key ring cases, are made of leather when such is not a fact. If the products are made in substantial part of leather and in part of some other material, and the word "leather" is used to describe such leather content, then the word "leather" shall be accompanied by some other words printed in equally conspicuous type so as to indicate clearly that such products are not composed wholly of leather or that they are composed in part of a material other than leather. (2551)

Chabbott's—Joseph Chabbott and Julius Chabbott, trading as Chabbott's 941 F Street, N. W., Washington, D. C., stipulated that they will cease representing that banquet cloths or other articles consisting of cotton filet laces made in China to imitate Tuscany Lace are in fact "Tuscany Lace." (02449)

Floradex Company—See Van De Mark Advertising, Inc.

International Importing Company, Inc., 322 Tremont St., Boston, agreed to cease representing that its "Agorole Olive Oil" is packed and certified by the Olive Oil Institute of America, or any other "institute," unless it is actually certified and packed by an "institute" properly so constituted; that its product is the only "certified" Greek virgin olive oil, or the only "certified" virgin olive oil in America, or that it contains vitamins B, D and E. The respondent also agreed to discontinue representations that refined olive oil contains no vitamins; that "Agorole Olive Oil" contains any specific medicinal ingredients; that its product is a treatment for ulcers of the stomach and gall bladder disorders, or that authorities do not recognize the difference between refined and virgin olive oil. (02448)

Joseph M. Julian Company, trading as Marney Food Company and Dr. Marney's Animal Food Company, Huntington Park, Calif., entered into a stipulation to discontinue misleading representations in the sale of "Marco," a dog food. (2446)

Marney Food Company—See Joseph M. Julian Company.

Dr. Marney's Animal Food Company—See Joseph M. Julian Company.

William C. Moore & Co., Inc., Newark, N. Y., stipulated that in connection with its sale of nursery stock through agents and salespersons, it will cease representing that all persons, regardless of age, sex, location, education, experience or business qualifications, can succeed as its salespersons. Further representations to be discontinued are that the free "Salesmanship and Landscape Lessons," given by the respondent to its salespersons, imparts a knowledge of landscape work that enables even the most inexperienced men to properly advise owners in regard to location, planting and ordering of correct trees, shrubs or vines. The respondent will also cease representing by the use of the phrase "must be satisfied with $35 weekly at the start" or in any other manner, that it has a vacant position consisting of landscape work and handling orders for old and new customers carrying a definite salary of $35 weekly to be paid from the start to the person selected to fill such vacancy. (02446)

Plymouth Electric Dry Shaver Company—Bernard Cohen, trading as Plymouth Electric Dry Shaver Company and Plymouth Electric Supply Company, 2013A Jerome Ave., New York, agreed to cease representing that his electric shaver is of any value in excess of the price for which the same or similar instruments may be available in the retail market in the usual course of business; that it is in any way comparable to the high grade electric shavers on the market; that the instrument is guaranteed unless clear disclosure is made of exactly what is offered by way of security; that exaggerated earnings may be expected by sales persons, or distributors of his merchandise, or that any article is given free when such offer is contingent upon any condition not clearly disclosed. It was also agreed that the respondent will discontinue supplying others with lottery devices to be used in the sale of any merchandise, or selling any merchandise by means of lottery devices. (2550)

Plymouth Electric Supply Company—See Plymouth Electric Dry Shaver Co.

Silver Knit Hosiery Mills, Inc., High Point, N. C., agreed to discontinue use of the word "silk," alone, or with any other words, in any way to represent hose which is not composed of silk. The respondent further agreed to cease using the words "Silk and Rayon" or "Rayon and Silk" to describe hose which is not composed of the two fibers. The stipulation provides that if the body or leg of the hose is composed of silk, or of silk and rayon, or rayon and silk, with the top, heel, toe and sole of the hose composed of fibers other than those named, and the words "Silk," "Silk and Rayon," or "Rayon and Silk" are used to properly describe such body or leg, then such terms shall be prominently accompanied by other words clearly indicating that the hose is not composed wholly of silk, silk and rayon, or rayon and silk. If the hose, or a portion of it, is composed of silk and rayon, and these fiber names are used to describe the hose or a portion of it, then the names of the fibers shall be arranged in the order of their predominance by weight, as for example, "Rayon and Silk" where the rayon predominates. The respondent also agreed to cease using the word "linen," either alone or in connection with the words "Pure Irish," or with any other words, as descriptive of hose, or any portion of it, which is not composed of linen. (2552)

Ta-Kay Laboratories—Charles A. Thayer, trading as Ta-Kay Laboratories, and T-K Laboratories, Topeka, Kans., agreed to cease advertising that "Ta-Kay" or any similar medicinal preparation, is an effective treatment for eczema, inflammation of the skin due to any but minor superficial causes, hickies, itching skin conditions, insect bites, sore hands, pimples, rash, scabies, athlete's foot, hives, or shingles, or that it will do more than temporarily relieve itching irritations and minor pains where due to or associated with superficial skin conditions, or caused by or associated with the above disorders. (02450)

T-K Laboratories—See Ta-Kay Laboratories.

Van De Mark Advertising, Inc., Times-Star Tower, Cincinnati, Ohio, has entered into a stipulation to discontinue misleading representations in the advertisement of "Floradex," a medicinal preparation distributed by Harold T. Maloney, trading as Floradex Company, Columbus, Ohio.

This is the third case in which an advertising agency has entered into a stipulation with the Commission to discontinue misleading representations in connection with the advertising copy of one of its accounts.

The agency agreed to cease disseminating advertisements which represent directly or by implication that "Floradex" is a treatment for constipation; is marvelous or new; will keep a person from being sick; will restore or build health; will enable one to gain vim and vigor, or that it is beneficial in removing the cause of most common ailments. The respondent further agreed to cease representing that constipation is the factor behind most human ills and ailments, and to discontinue using the word "Food," or any similar words, so as to imply that the preparation has any food value.

Harold T. Maloney had previously entered into a stipulation with the Commission in which he agreed to discontinue the practices in the same manner as set forth in this stipulation. (02447)

Reports
NATIONAL ASSOCIATION OF BROADCASTERS
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 43, October 27, 1939

FCC Chairman Commends Code

James Lawrence Fly, chairman of the FCC, commended the NAB Code this week, saying that its adoption was "an example of democracy at work".

"Democracy can hardly mean either in a game or in a form of Government that those who have adopted the regulations will abide by them only so long as they serve their own particular interest," Mr. Fly said in a CBS broadcast Thursday night.

"Any set of regulations, even when self-imposed is apt at some point along the line to apply to every particular person who has adopted the regulation. No one particularly enjoys the regulation the moment it restricts his own activity; but still, he should be capable of reviewing the over-all benefits which may be derived from a comprehensive and effective set of rules applicable to all alike. But control of radio in the public interest is more serious than any game."

Mr. Fly had preceded these remarks by saying that "it may be obvious that even self-regulation, voluntarily imposed, may at times *actually regulate.*"

"We are reminded of the boy, who, understanding the problem, gets with a group and decided upon the rules of the game which shall be applicable to all concerned," he said. "Thereafter, when one of the particular rules has its impact upon his own conduct, and the boy breaks up the game, picks up his playthings and goes home, he is hardly displaying the highest type of sportsmanship".

Here is the full text of Mr. Fly's remarks which the NAB is certain will be of interest to all broadcasters:

As you all know, the art of radio broadcasting is still young. Virtually unknown during the World War, radio has developed tremendously in the past two decades. Its march has been strong and vibrant. The swift movement in the scientific phases of radio has been such that we have a tendency to overlook the tremendous impact of the radio as a social force.

It is therefore essential not only that we recognize radio as a great scientific achievement, but also be conscious of its great impact upon the lives and upon the pattern of thought of the people themselves. We all recognize the importance of having the radio serve a genuine public interest and of avoiding subservience to forces peculiarly selfish in nature.

The forward march in the art of the radio has presented to us concretely the problem of utilizing this public facility to accomplish the greatest good for the most people. Important issues have thus arisen.

It hardly behooves anyone to speak in a tone of finality, particularly where, as in my own case, the speaker does not have a thorough-going background in the field. It may be suggested that no one with due regard for the gravity of the problems, can set himself before the world as having power promptly and finally to adjudge all the serious problems of radio policy.

By the same token, many of the existing *rules* to govern practices in radio operations cannot be deemed the ultimate guide for the conduct of broadcasting activities. The industry is young; technicallly, it moves forward from day to day. We all have much to learn. It must be

(Continued on page 3792)

NAB Reports
THE NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

FCC CHAIRMAN COMMENDS CODE

(Continued from page 3791)

true, therefore, that any rule or set of rules can hardly be deemed unchangeable. At the same time, it does not follow that rules of conduct should not be laid down and generally observed.

Such is the force of the radio that in the interest of all concerned, it must operate in the public interest. That the problems may change and that even our judgment upon particular rules may change in the light of experience is no reason why the industry should leave its important problems unattended. I, for one, strongly feel that the operations of the industry should be gradually and thoughtfully forged into a pattern of service in the public interest. All of us interested in the development of policies and rules of conduct should maintain an open and tolerant mind toward the views of others as experience accumulates and principles emerge.

The Federal Communications Commission was created by the Congress in an endeavor to effectuate the public interest in radio broadcasting and in related fields of communications. As a matter of necessity, the radio industry is subjected to strict regulation by the Government. Were this not true, radio could not exist. Millions of people may listen—only a few speak to them. Radio channels through the air are severely limited. There can be no private property interest in a radio channel. The concern of the Government and the concern of the Commission is primarily to see that the limited broadcast facilities which may be permitted on the air render a broad and effective public service.

To be perfectly frank with my audience tonight, in my judgment the solution to most of the problems which are constantly arising in connection with the regulation of radio is found in the answer to the question: "How would the interest of the listener of radio facilities be affected"? This simple question is bound up in the expression "public interest, convenience and necessity." Radio stations are licensed to serve that end. However general in character it may appear, the test in substance reduces itself to this question: "How will the listening audience be affected by any particular conduct of a radio licensee"?

Even a superficial review of the problem will indicate why, as a matter of fact and as a matter of law, the great interest involved is the public interest; more particularly, the interest of the listener. Contrary to the notion occasionally expressed that the air is free, only a limited number of channels are available in the entire radio spectrum. On the few stations which may be on the air there is a definite and inelastic limitation of time. There is no way to extend the total time available for all the purposes of that limited number of stations. Over those limited facilities must be crowded the complete performance of the operating stations in terms of education, information and entertainment.

This is the reason the radio is not a common carrier; in the nature of things broadcast facilities cannot be available to the public generally. Only a few can be accommodated.

In contrast to the limited number of individuals who may broadcast, there is the public as a whole who may listen. Obvious is the fact that the essential service being rendered is the service to the radio audience and not the service to those before the microphone. And again, may I suggest that the public interest to be served under the law is primarily the public interest of the millions of citizens. The citizen cannot be placed in the attitude of sitting at the loud speaker listening to his master's voice. In this case the plain fact is that it is the servant who speaks while the master listens.

I do not mean to suggest that there is no room for the private business concern. It can and does carry on the public service as a private business venture and with a view to success as a private enterprise. The whole American system of broadcasting by private concerns is based on the fortunate fact that in general the best public service is the best business. To succeed the listeners must be attracted and held. Thus, the private benefit emerges from an effective public service.

Neither the Congress nor the Commission undertakes to act as a general overlord to the industry. There particularly should not and cannot be a censorship of radio broadcasts. Certainly, the Commission neither asserts nor seeks the power to censor.

The Federal Communications Commission Act has been operative largely in terms of keeping people off the air. It was early recognized that with everybody on the air nobody could be heard. Since radio transmitting sets can be easily and cheaply constructed, literally thousands of sets could be readily placed in operation. Various trivial devices are capable of some transmission of radio waves. They would cause a bedlam of interference, and must be either prohibited or strictly regulated. The many citizens and the many devices as a matter of necessity are literally excluded from the air. This is done for the simple basic purpose of making effective the service which is being rendered over the limited number of available channels.

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The reason for these restrictions upon the activities of the many citizens and the protection of these channels is not primarily to assure the success of the private operation of the broadcast station. But it is to assure that the citizen receiving the broadcast in his home receives an efficient and adequate service. The Federal Communications Act has operated over a broad field by this manner of exclusion and restriction.

The law further provides for the regulation of the industry upon a somewhat broader scale in order to insure that the operations are in the interest of the citizens as a whole.

It is, of course, important that where the Commission has explicitly exercised a power delegated to it by the Congress, there should be no encroachment in this field by other agencies. At the same time, there is beyond the field presently occupied by Commission regulation, a substantial area where industrial self-regulation should have a fair opportunity to work. There is no reason why self-regulation may not be in the public interest and may not to a certain extent supplement the work of the Government. I want to make clear my own thought that one should not assume in dogmatic fashion the finality of any rule created by the industry. At the same time certain of those rules which have been adopted by the great majority of the industry should be given a fair opportunity to function.

An example of industrial self-regulation in the radio field is the Code adopted by the National Association of Broadcasters last July. I shall not endeavor to discuss the Code in detail, but a few significant points may be noted. The Code adopted by a vote of the members of the Association covers six subjects: children's programs, controversial public issues, educational broadcasting, news, religious broadcasts and commercial programs. It is well to bear in mind the scope of the undertaking in order that the discussion of one particular phase may not tend to obscure the other phases. Public controversy, however, has not centered around the rules as a whole, but primarily around the provisions relating to controversial issues.

It may be obvious that even self-regulation, voluntarily imposed, may at times *actually regulate.* We are reminded of the boy, who, understanding the problem, meets with a group and decides upon the rules of the game which shall be applicable to all concerned. Thereafter, when one of the particular rules has its impact upon his own conduct, and the boy breaks up the game, picks up his playthings and goes home, he is hardly displaying the highest type of sportsmanship.

The adoption of the Code and its self-imposition by the broadcasters is an example of democracy at work. Democracy can hardly mean either in a game or in a form of Government that those who have adopted the regulations will abide by them only so long as they serve their own particular interest. Any set of regulations, even when self-imposed, is apt at some point along the line to apply to every particular person who has adopted the regulation. No one particularly enjoys the regulation the moment it restricts his own activity; but still, he should be capable of viewing the over-all benefits which may be derived from a comprehensive and effective set of rules applicable to all alike.

But control of radio in the public interest is more serious than any game.

A ready illustration of the character of the problems and the necessity of supplementing existing regulation was demonstrated by conditions at the outbreak of the current war. The crisis precipitated serious problems of completeness, fairness and accuracy of war news, and of the delineation and proper identification of war propaganda. Broadly, the integrity of the service was at stake. The problem of neutrality itself was involved. In that instance, representatives of the broadcasting industry drafted, and, to their credit, most of the broadcasters adopted, a code of practices concerning war news and comment, effectively meeting these problems.

It should be noted that neither this nor the general code already adopted was the work of the Communications Commission. They are none the less important as examples of self-regulation consistent with the public interest.

To return to the provision of the Code voluntarily adopted last July which has provoked considerable discussion, the one having to do with the handling of controversial issues. This article recognizes that a well-balanced program of a radio broadcasting station should include, as part of the station's public service, time for the presentation over the air of public questions, including questions of a controversial nature. However, it is provided that time for the presentation of controversial issues over the air shall not be sold except for political broadcasts. The Code does not prohibit selling time for the discussion of controversial public issues in the public forum type of program when such program is regularly presented as a series of two-sided discussions of public issues.

It seems to me that here again, the problem is one of giving the rule a fair opportunity to work. The job of the broadcaster is to see that the public has opportunity to hear free debate upon all controversial problems.

The one limitation in the Code is that time on the air may not be sold for the presentation of controversial issues. The Code places the duty on broadcasters to bring both sides of such issues to the public regardless of the ability of the speakers to pay for the time. It has been, and we may expect it to continue to be, the policy of the broadcasting companies to give free time to the responsible leaders who desire to speak on controversial issues. And at the same time to provide for the listeners an equal opportunity to hear the other side.

The really grave issue is whether or not the right to speak and to present one-sided arguments on public questions shall be limited to those who can buy the time. In other words, shall single individuals or groups of individuals through sheer economic power be permitted to buy the limited amount of time and space in these limited channels of expression in order to advocate in a one-sided manner the views which they themselves desire to promote. Shall this mode of expression be sold to the highest bidder? If carried to the logical extreme, how then can the millions of the public constituting the radio audience be assured of receiving the complete and balanced discussions of public issues which they are entitled to receive. The least freedom exists in those countries today where only limited groups of powerful individuals can utilize the radio waves with absolute freedom.

It is worthy of repetition that both sides in public controversies should be heard; that there should be as full and complete a discussion of public issues as the time and facilities will permit. In turn, it must follow that no single powerful person or group should be able through the exercise of economic or other power to present only their side of controversial issues, and through the exercise of the same power exclude the other side from the radio channels.

I have no particular brief for any detailed form of rule. It may well be that in the light of experience, the rule need be changed in some particulars, with a view to assuring the public that it does have full opportunity to hear full, free and two-sided discussions of all the great issues. Radio as a social force can only move along the line of giving to the public the fullest and freest expression of information, comment and opinion on all the great problems. Under the true system of democracy it can never be made available exclusively to the limited and powerful group who will present only their own side of any issue.

It should be borne in mind that the Government does not license the radio station itself because it thinks that the owner has any legal right to be heard. The real reason the station is permitted to operate is because of the service which that station undertakes to give to all of you—the radio audience. I repeat, *that* much is basic.

And I venture to repeat that all of us who are concerned with this problem should move into the field conscious of the needs for self-limitation. No one of us is qualified to claim the power finally to adjudge the issues and to lay down an arbitrary and unchanging rule of conduct. It is a field where tolerance is essential. It is a field that should be subject to continual review in the light of experience. And it is a field where proper rules of conduct, voluntarily and deliberately self-imposed, should be given a fair opportunity to demonstrate whether or not, in actual practice, they will promote the public interest.

SWEENEY SURVEY

Representative Martin L. Sweeney, Democrat, of Cleveland, Ohio, in a speech prepared for delivery in the House on Friday, October 27, said that the FCC's action denying 500 kw. power to clear channel stations was "arbitrary, unwarranted and capricious."

Mr. Sweeney said that the decision in the WLW case "meant that people living in rural areas in many states in the United States would be left with poor, and in a great percent of the instances, without any satisfactory radio reception."

To prove his point, Mr. Sweeney said he had sent cards to 25,000 rural box holders in Louisiana, Kentucky, Michigan, Florida, Virginia, Kansas, Missouri, West Virginia, Alabama, North Carolina, Mississippi, Ohio, Indiana, Arkansas, "asking them to select the first four stations of their choice." He received a 10 per cent return.

The tabulated results will be sent to any member upon request.

CODE SPEAKERS

David Lawrence, noted newspaper columnist, will discuss the NAB Code in a CBS broadcast, Sunday, October 29, at 1:35 p. m., Eastern Standard Time.

The following Sunday, Edgar Bill, WMBD, chairman of the code committee, is scheduled to speak.

Neville Miller, NAB president, talked last Sunday. Copies of his talk are being sent to all members. Additional copies are available at headquarters.

MILLER ADDRESSES ADVERTISERS

Neville Miller made the following remarks at the annual convention of the Association of National Advertisers in Hot Sulphur Springs, Va., on October 27. A complete account of the radio aspects of the convention will appear in next week's Reports.

I accept the invitation to speak here today with a great deal of interest. The subject of advertising research has been called especially to my attention during the last year and a half. The plan for reorganization of the National Association of Broadcasters, which created the position with the Association I fill, detailed a comprehensive research campaign to be undertaken. In the time since I accepted the presidency of the NAB, July 1st of last year, the problems of the broadcasting industry have been such that I have not been able to give the subject of industry research the attention which is its due. You can realize, I am sure, the personal problem I have had to acquaint myself with the radio industry which is but little more than fifteen years old but which has grown during that short period to a commanding position in the advertising fraternity. During the past year I have had to assume the role of student to acquaint myself with the nature of the broadcasting industry in order that I may understand its problems.

It has been a real pleasure for me to hear, this morning, the discussions of the research problems of other media. I feel that you have contributed materially to my educational needs for leadership in my industry. When you compare the time it took to develop radio into an advertising medium with the development of printing into an advertising medium, I think you will realize that there are many things in our industry which make it different from other media and yet there are certain factors which are the same.

From my observation the radio industry has been acutely conscious of research value. It is only natural that it should be, since radio, because of its physical characteristics, does not lend itself to caliper measurement such as the distribution of publications. A scientific approach to a like measurement for radio, however, is enshrouded in the mysticism of such variables as "wave propagation," "attenuation characteristics," "noise level" and "ionispheric reflection." Under such conditions, I am sure you can readily appreciate that some alternative measurement might logically be attempted. And so, to date broadcasting has not developed a standardized measurement of circulation, nevertheless, devices for more exacting measurement have been devloped. I would like to say, with due modesty, that I believe radio through its pioneering research, has to some extent been responsible for stimulating more concerted thought on the entire field of advertising research. Certainly your own endeavor, the Cooperative Analysis of Broadcasting, has set a pace in advertising research in its implication of social acceptance of the individual vehicles of advertising messages.

Before touching on the subject of research let me give a thumb nail picture of the major problems confronting radio in which you have an interest. At the first of this month there were 743 stations operating in the United States and its possessions and the Federal Communications Commission has granted permits for the construction of 57 more which will bring the count to 800 stations. The operation of radio broadcasting stations is limited to frequencies between 550 and 1600 kilocycles by international agreement and Federal decree. In the early days of broadcasting, pandemonium reigned because each station operator could select any frequency he desired and begin broadcasting. Radio itself appealed for assistance and the federal government answered the call, volunteering to act as the traffic officer to our industry. The radio law was written and the Federal Radio Commission created which has since become the Federal Communications Commission when the law was expanded to regulate all communication within one commission.

Government regulation and the radio law which creates this regulation have established a peculiar characteristic in our industry. There can be no argument that all advertising is contingent upon public acceptance in some degree. Radio as an advertising medium has always been fully conscious that its advertising worth is fully dependent upon its ability to reach people. Radio is unique among advertising media in that by law it is required to command public acceptance. The law reads that each broadcaster must serve in "public interest, convenience and necessity."

Surrounding the charge by national law that broadcasting be carried on in "public interest," the broadcasting industry has been conscious for some time of a need for self-regulation. The term, "Interest, convenience and necessity" has never been legally defined. There has existed a constant question as to what proper definition there could be since the radio law definitely denies the right of censorship in regulation.

In the late summer of last year the Association tackled the problem of self-regulation. Our approach to the problem has been with recognition of the social significance of radio broadcasting in the national life. We believe that broadcasters have sufficient experience in serving the public to share their program and operating experiences in the adoption of a new Code so that a more uniform and higher level of public service might result throughout the length and breadth of American radio. At our annual Convention last July the membership of our Association adopted a new Code which became effective on the first of this month. This Code, conceived in public interest is a step forward in improving radio's value to the public and, perforce, radio's value to you as an advertising medium. I realize as you do that any Code is only as good as the will and determination of the parties to it live up to its provisions, for after all, it is not good intentions but rather good actions that count.

Another problem of the broadcasting industry is that of music copyright, one which has been troublesome from practically the beginning of radio. You have read undoubtedly in trade publications and in the press, comments on the industry's action in its attempt to deal with the American Society of Composers, Authors and Publishers. We have stated frequently that we realize the value of music to broadcasting and that broadcasters are ready and willing to pay a fair and reasonable price for the use of music. The present contracts with the American Society of Composers, Authors and Publishers require stations to pay 5% of their receipts from the sale of station time, paying on revenues derived from the sponsorship of dramatic shows, news broadcasts, sports broadcasts and many other broadcasts where not one note of ASCAP music is played; and also on programs which contain music but which is not ASCAP music. We are now able to take a strong and fair stand on the ASCAP matter. This problem is of interest to you because music copyright is one of the major items of cost in broadcasting. Last year our bill to ASCAP alone was just short of $4,000,000 and this does not take into account the license fees paid to the Society of European Stage, Authors and Composers, Associated Music Publishers, Inc., Ricordi and Company, and other music licensing organizations. Experience in the past has been that upon the expiration of each contract the demand from broadcasters for music fees is raised higher and higher. We must put the brakes on our rising costs.

These are but the top rank of the many problems which have confronted the Association during the past year and which in turn have absorbed my attention. Coming back to the problem of industry research; I have experienced an increasing awareness of the industry's needs for basic information on radio as an advertising medium. I must hasten to point out, however, that our research needs are not confined to advertising values. The research which we undertake must be so conceived to develop broad information on the social significance of broadcasting, an industry having its economic base in advertising. The National Association of Broadcasters recognized sometime ago its advertising research needs and from this realization sprung the cooperative undertaking known as the Joint Committee on Radio Research in which your Association, the American Association of Advertising Agencies and NAB undertook to make some fundamental studies on radio research methods. The Joint Committee has had some real progress to report, however, it has not as yet reached definite conclusions. The work of the Joint Committee has naturally been affected by the trials of reorganization within my own Association.

I am in full accord with the original concept which brought the Joint Committee on Radio Research into existence. That concept in which the parties interested (in this case buyers, agents and sellers of broadcast advertising) join in seeking a solution to the problem of furnishing intelligent and accurate basic information, acceptable to all three parties.

I can report real progress on one store of basic information which was included in the scope of studies under Joint Committee consideration. I refer to the number and distribution of radio sets. The Assistant Director of the Census recently stated that, in connection with the Census of Housing, the question will be asked whether each household is equipped wtih a radio. The Housing Census is contingent upon Congressional appropriation in the first deficiency bill due for consideration early in January. However, there is every indication that the necessary funds will be appropriated. This basic information is of great significance to the broadcasting industry. It is included in the Census largely by request of the Federal Communications Commission. It is expected that in addition to reports by counties and cities the information will be presented by family income classes and perhaps by educational indices. I fully realize that the inclusion of this count in the Census will not eliminate the problem for future years of determining the change since Census date. I am informed that this second Census report will constitute a statistical refinement in the processes of estimating which should simplify the problem.

It is my sincere hope that the NAB can soon resume the approach to the broadcasting industry research problem. In this connection I feel that we can look to the Advertising Research Foundation for support since the basic objectives of the Joint Committee on Radio Research are essentially the same as those of your Foundation. The duplication of personnel on your Board of Directors and the Joint Committee should simplify the contact between these two worthy enterprises and there should be no problem in advancing this cooperative undertaking.

FREC "SERVICE BULLETIN"

The "Service Bulletin,'" new organ of the Federal Radio Education Committee, will make its appearance within the next week or ten days.

The "Bulletin" is the first of several activities of both immediate and long range purpose planned by the Committee to further the interest of education through the cooperation of educators and broadcasters. Its four primary functions will be to serve as a clearing house for ideas, suggestions, and comment in the field of radio education; to serve as an authoritative source for information about the Committee and its program; to present news of the results of research, experimentation and fact-finding surveys in the field of radio education; and to provide a means through which broadcasters may keep informed of the activities of educators, and educators may keep informed of the activities of broadcasters, in so far as their interests meet in the field of radio education.

Kenneth Jones, who edits the "Bulletin," has just been appointed Director of Information of the Federal Radio Education Committee. He comes by way of Station WHAS, Louisville, Kentucky, and previously was Publicity Director of the Louisville Community Chest, and Executive Secretary of the National Committee on Public Education for Crime Control, of New York City.

MR. R. J. WASMUND, "TELL"

Done Searle, general manager of KOIL, Omaha, reports that a Mr. R. J. Wasmund is carrying an unauthorized letter from him, endorsing a plan for publicizing radio programs in the magazine "Tell." Mr. Searle asks any member hearing anything about this to get in touch with him.

PAUL WHITEMAN APPEAL

All parties in the RCA-Paul Whiteman-WNEW case have appealed from the decision handed down July 15 by United States District Judge Vincent L. Leibell in the Southern District of New York (See NAB Reports, Vol. 7, No. 29, p. 3608-9, July 21).

On October 20, Whiteman appealed from the decree entered in the case, except that part that was favorable to him. On October 23, RCA appealed from that part of the decree that was favorable to Whiteman and from the failure of the decree to award RCA a common law property right in records by virtue of the technical skill in the manufacture of the records. On October 25, Stuart Sprague, in behalf of WNEW, appealed from so much of the decree as affected the station.

Decision in WMCA Case

The FCC, by unanimous decision of its seven members, this week entered an order in the case of Station WMCA, New York City, owned by the Knickerbocker Broadcasting Company, Inc., which was heard September 27, 1939, for alleged interception and broadcasting of secret radio communications of the Governments of Germany and Great Britain in violation of Section 605 of the Communications Act.

After reciting the facts in the case, as it found them, the FCC said:

> That the broadcasting of the substance of the messages described runs counter to the provisions of Sec. 605 of the Communications Act admits of little doubt. The evidence in this case shows conclusively that the messages in question were important orders of the governments of Germany and Great Britain, respectively; that they were to govern important ship movements in anticipation of, and perhaps during war; that they were addressed communications, albeit to multiple addresses; that they were intercepted without the authority of the senders; and that WMCA knowing that the messages had been obtained by means of interception, broadcast the substance thereof from its station. This conduct of the station must be viewed in the light of the great international stress then prevailing and of the special duty of American broadcasters, who are licensed for the purpose of serving the public interest, to conduct their operations with a corresponding degree of care.
>
> While, as has already been pointed out, the specific statutory prohibition now before us applies generally, a violation of it by a holder of a radio broadcast license must command our special attention. Especially is this true since there threads throughout the statute both generally and specifically the notion that broadcasters perforce of law undertake to serve the public interest. The legal concept of public interest is not different in time of crisis although its factual content may vary from time to time as the public necessarily and properly shifts the emphasis of its concern from one predominant fact to another
>
> Apart from the broadcasts of the station and the inadequate response to the Commission's order to show cause, the irresponsible actions of the licensee in connection with the full-page advertisement quoted above warrant comment. Regardless of the legality of such advertising as a trade practice it raises a question as to the character and responsibility of the management in the light of its obligation to operate the station in the public interest. More than honesty is at stake. The advertisement creates the possibility that competing broadcast stations will be drawn toward the same line of illegal broadcast activity boasted by this station. The President of the licensee corporation, Donald Flamm, admitted that the statements the station quoted from the George Ross column were false and that although he examined the "layout" of the advertisement, neither he nor anyone else in his organization made any investigation or gave consideration to the question as to truth of the representations. When asked what disciplinary action had been taken in this connection Flamm replied merely that he had given directions that all future advertisements were to be submitted to the attorney for the station.
>
> By their conduct throughout this chain of events—the broadcast, the advertisement to the industry, the evasive written response to the Commission's order, the uncandid character of their oral testimony—Flamm and his co-executives managed to create a question as to their possessing any substantial sense of responsibility to the public or the ability to recognize even roughly the public interest properly involved in the operation of a broadcast station. Just as it may be a powerful instrumentality for public good, so a broadcast station has potentialities of causing great public harm, and it is accordingly imperative that the limited broadcast channels belonging to the public should be entrusted to those who have a sense of public responsibility.
>
> On behalf of the licensee it is recognized that the broadcasts in question occurred during a period of unusual activity in the gathering and dissemination of news of special interest to the public. Speed in transmitting through the air news flashes bearing

on the European crisis was assumed to be of the essence of this and other stations' service. The same international stress which made the conduct grave created the urge to scoop the other stations. As was recognized broadly, new and important problems in connection with radio broadcasting arose from the war crisis. Under these circumstances the Commission will assume that these particular broadcasts were provoked by the occasion and are not necessarily indicate of more widespread infractions in the course of this station's broadcast activities.

After consideration of the record and all the attendant circumstances in this matter, the Commission is of the opinion that an order of revocation need not be entered at this time. On the whole, however, grave doubt has been cast upon the licensee's qualifications to operate its station in a manner consistent with the public interest. Accordingly the record made in the different phases of this proceeding must be of cumulative weight in determining the disposition to be made upon any future examination into the conduct of this station.

FCC APPOINTS BOSTON MAN AS ASSISTANT TO FLY

The Federal Communications Commission today announced the appointment of Nathan H. David of Newton Highlands, Mass., as Assistant to the Chairman, James Lawrence Fly.

Mr. David was born at Somerville, Mass., on August 1, 1913. He was graduated from Yale University in 1934 magna cum laude and stood fourth in his class when graduated from Harvard Law School three years later.

Since 1937 Mr. David has been associated with the Boston law firm of Burns and Brandon, (John J. Burns was formerly General Counsel of the Securities and Exchange Commission). He assisted in the preparation of evidence and law in support of New England's position in the Southern Governors' Rate Case. He has also specialized in work involving the Securities Act, the Exchange Act, the Public Utilities Holding Company Act, the Fair Labor Standards Act, the Labor Relations Act, and motor vehicles regulations.

FCC ORDERS LICENSE REVOKED

The FCC has announced issuance of an order for revocation of license of Station WSAL at Salisbury, Maryland, and ordered hearings on renewal of licenses for stations WBAX at Wilkes-Barre, Pennsylvania, and WQDM, at St. Albans, Vermont.

The WSAL license revocation is effective November 13, 1939, unless the licensee applies for a hearing, in which case it will stand suspended until decision of the Commission following such hearing.

Stations WBAX and WQDM have been granted temporary licenses pending hearing.

On January 13, 1938, Frank M. Stearns was licensed to operate station WSAL, daytime hours on 1200 kc, with 250 watts. He was held to have made false and fraudulent statements and failed to make full disclosure to the Commission concerning the financing of station construction, equipment used, and ownership, management, and control, facts which would have warranted refusal to grant construction permit and station license had they been known to the Commission. It further appears that the rights granted under the terms of the license have, without the Commission's written consent, been transferred, assigned or otherwise disposed of by the licensee, in violation of the Communications Act of 1934, as amended. There was evidence that Glenn D. Gillett, mortgagee, has been in actual control of the station, the FCC said.

Gillett is also in apparent control of stations WBAX and WQDM, in violation of Section 310 (b) of the Act, the FCC said. License for WBAX, (1210 kc, 100 watts, unlimited time) is in the name of John H. Stenger, Jr. That for WQDM (1390 kc, 1 KW, day) is held by E. J. Regan and F. Arthur Bostwick.

LA GUARDIA CASE HEARD

Mayor La Guardia and a number of other witnesses appeared this week before a special committee of three members of the Federal Communications Commission. The committee consisted of Commissioner Case, as chairman, and Commissioners Craven and Payne.

The hearing dealt with the matter of amendment to rules 177 and 177.1 to allow domestic municipally owned stations to rebroadcast the programs of international high frequency stations.

Among appearances were included: Mayor La Guardia and representatives of the National Committee on Education by Radio, Westinghouse Electric and Manufacturing Company, American Federation of Musicians, World-Wide Broadcasting Corporation, and National Broadcasting Company.

The first witness was Mayor La Guardia himself. He presented a statement explaining that Station WNYC owned and operated by the City of New York would like to pick up on a receiver the short wave of the international broadcast Station WRUL (until recently W1XAL) and retransmit them in the regular broadcast band from WNYC. He pointed out that, as a layman, he could not understand why he is permitted to rebroadcast international programs originating abroad but not those originating in this country, and went on to say that non-commercial stations should be given this privilege. He stated that there were not enough non-commercial stations in this country. There ought to be, he thought, at least one non-commercial to every commercial station in operation.

Mr. Novik, Director of WNYC expanded the statement of Mayor La Guardia and gave some information on the cost of operation of a non-commercial station. The annual cost of operating WNYC is $110,000. No money is spent on programs except to buy records and transcriptions. Live programs are apparently provided free of cost. Mr. Novik estimated that the WNYC programs would cost a commercial station about $500,000 annually.

Other witnesses were Mr. Schooley of the National Association of Educational Broadcasters, Mr. Walter

Lemon of WRUL, Professor Elliott of Harvard. All these expressed their belief that the rebroadcast of international programs without the cost of telephone lines or the delay of making and sending transcriptions would be of great benefit to the American listener. Mr. Lemon explained the feasibility of such a procedure, and expressed the desire to carry it out for a short period experimentally.

Mr. Ring of the FCC explained the difficulties of obtaining reliable reception in the United States and stated that the cost of a receiver and antenna for rebroadcast would amount to several thousand dollars. Mr. Novik had stated he expected to spend one thousand dollars on the receiving equipment for WRUL.

COURT DISMISSES WCOP APPEAL

Court of Appeals of the District of Columbia this week dismissed the appeal of WCOP, Boston, which was companion to the Yankee Network case (see NAB Reports, Aug. 25, p. 3676).

In this case, WCOP appealed from a decision of the Federal Communications Commission granting the application of WMEX for a construction permit to operate on 1470 kilocycles, 5000 watts, unlimited time, using a directional antenna. The appeal was made by WCOP because of the failure of the Commission to find and conclude that the financial and economic interests of that station would be adversely affected by the granting of the application of WMEX.

FEDERAL COMMUNICATIONS COMMISSION

FCC FINAL ORDERS

The Federal Communications Commission this week announced a final order granting the application of the Spartanburg Advertising Company for a new station in **Spartanburg, South Carolina,** to operate on **1370 kilocycles,** 100 watts night, 250 watts until local sunset, unlimited time. Commissioner Payne did not participate.

The Commission also entered final order granting the application of KRSC, **Seattle, Washington,** for a construction permit to make changes in transmitting equipment, move transmitter site, and increase power of station from 250 watts to 1,000 watts, operating on **1120 kilocycles,** unlimited time. Chairman Fly and Commissioner Payne did not participate.

The Commission denied the application of the Moody Bible Institute Radio Station, **Chicago, Illinois,** for a permit to construct a new non-commercial educational broadcast station to operate on **41,300 kilocycles,** 100 watts power, unlimited time. Commissioner Payne did not participate.

The Commission granted the application of the Saginaw Broadcasting Company for a new station at **Saginaw, Michigan,** to use **1200 kilocycles,** 100 watts night, 250 watts LS, with specified hours of operation; and the application of Gross and Shields for a new station at **Saginaw** to operate on **950 kilocycles,** 500 watts, daytime hours. Commissioner Payne did not participate.

The Commission also entered a final order granting the application of the Greater New York Broadcasting Corporation for a license to operate a broadcast station in **New York City** on **1100 kilocycles,** 5,000 watts, unlimited time. Station WPG, **Atlantic City, New Jersey,** which now operates on **1100 kilocycles,** 5,000 watts, sharing time with WBIL, **New York City,** will cease to operate in **Atlantic City** and WOV **New York City,** now operating on **1130 kilocycles,** 1,000 watts power, will also cease operation and instead a station will operate in **New York City** on **1100 kilocycles,** 5,000 watts, unlimited time. Commissioner Payne did not participate.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, October 30. They are subject to change.

Monday, October 30

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., **1360 kc.,** 1 KW, unlimited time. Present assignment: **1360 kc.,** 500 watts, 1 KW LS, unlimited time.

Thursday, November 2

Oral Argument Before the Commission

Report No. B-74:

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.,** 1 KW, unlimited time. Present assignment: **1390 kc.,** 1 KW, unlimited time.

NEW—Samuel M. Emison, Vincinnes, Ind.—C. P., **1420 kc.,** 100 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

November 20

Further Hearing

NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.**, 1 KW, 1 KW LS, unlimited time (DA day and night).

November 27

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.**, 1 KW, limited time (KEX and KOB).

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, specified hours.

December 11

Hearing Before Commissioner Case

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **830 kc.**, 5 KW, unlimited time (DA night). Present assignment: **830 kc.**, 1 KW, daytime (KOA).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.

W2XAG—Carman R. Runyan, Jr., Yonkers, N. Y.—Granted modification of license of developmental broadcast station to change classification to high frequency broadcast and change frequency to **117190 kc.**; 5 KW power.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted modification of C. P. to make changes in equipment, increase power from 100 watts to 250 watts, unlimited time; also extension of commencement date to 10 days after grant and completion date to 15 days thereafter.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts, unlimited time.

NEW—McNary & Chambers, Bethesda, Md.—Granted C. P. (Craven, Commissioner, not participating) for new high frequency broadcast station to operate on frequency **42600 kc.**, with 100 watts, special emission, for frequency modulation.

WTMV—Miss. Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted authority to transfer control of corporation from Lester E. Cox to William H. West, Jr.

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted extension of special experimental authority for a period of three months from November 1, 1939, for facsimile broadcasting from 12 o'clock midnight until 6 a. m., PST.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

WGRM—P. K. Ewing, Grenada, Miss.—Granted modification of license to increase nighttime power from 100 to 250 watts.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Granted modification of license to increase nighttime power from 100 to 250 watts.

KXL—KXL Broadcasters, Portland, Ore.—Granted modification of license to increase nighttime power from 100 to 250 watts.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Granted modification of license to increase nighttime power from 100 to 250 watts.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—The Commission set aside its action in designating for hearing the application of KLCN for renewal of license, scheduled to be heard on November 3, and granted same. Also granted license to cover C. P. authorizing move of transmitter locally, installation of vertical radiator and new equipment.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted authority to determine operating power by direct measurement of antenna input.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Present license extended on a regular basis.

WHP—WHP, Inc., Harrisburg, Pa.—Present license extended on a regular basis.

KINY—Edwin A. Kraft, Juneau, Alaska.—Present license extended on a regular basis.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Present license extended on a regular basis.

KLPM—John B. Cooley, Minot, N. Dak.—Present license extended on a regular basis.

KRLC—H. E. Studebaker, Lewiston, Idaho.—Present license extended on a regular basis.

KXYZ—Harris County Broadcast Co., Houston, Tex.—Present license extended on a regular basis.

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Present license extended on a regular basis.

WING—WSMK, Inc., Dayton, Ohio.—Present license extended on a regular basis.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for the hearings have not yet been set.

NEW—William F. Huffman, Wisconsin Rapids, Wis.—Application for new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Joe W. Engel, Chattanooga, Tenn.—Application for new station to operate on **1370 kc.**, with 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—Application for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined (Rossville, Ga.) and type of antenna with Commission's approval.

NEW—Valley Broadcasting Co., West Point, Ga.—Application for new station to operate on frequency **1310 kc.**, 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KIEV—Cannon System, Ltd., Glendale, Calif.—Designated for hearing the application for renewal of license for station KIEV, upon the following issues: (1) to determine the nature and character of program service rendered; (2) to determine whether the station's program service has been and is now in conformity with the representations made to the Commission in support of the original application for C. P. or license, and all subsequent applications, by licensee; (3) to determine whether statements made to the Commission in financial reports submitted by licensee for the calendar years 1937 and 1938 and various applications for renewal of license, with particular reference to expenditures for program service and talent, are true and correct; (4) to determine whether or not the Cannon System, Ltd., has been at all times and is now exercising actual control of the operations of KIEV; and (5) to determine whether the granting of this application and continued operation of the station will serve public interest, convenience and necessity. A temporary license was granted for the period November 1, 1939, to February 1, 1940, pending hearing, and subject to whatever action may be taken upon the renewal application.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period: WBNS, Columbus, Ohio; WCBA, Allentown, Pa.; WBBR, Brooklyn, N. Y.; WEVD and auxiliary, New York, N. Y.; WGAR, Cleveland, Ohio; WGES, Chicago, Ill.; WHBL, Sheboygan, Wis.; WHIP, Hammond, Ind.; WHIS, Bluefield, W. Va.; KID, Idaho Falls, Idaho; WKBH, La Crosse, Wis.; WMBD, Peoria, Ill.; WMBG and auxiliary, Richmond, Va.; WMPS, Memphis, Tenn.; WORK, York, Pa.; WROK, Rockford, Ill.;

WSAI, Cincinnati, Ohio; WSAN, Allentown, Pa.; WSBT, South Bend, Ind.; WVFW, Brooklyn, N. Y.; KELA, Chehalis, Wash.; KGIR, Butte, Mont.; KGNF, North Platte, Nebr.; KIEM, Eureka, Calif.; KOMA, Oklahoma City, Okla.; KMO, Tacoma, Wash.; KOY, Phoenix, Ariz.; KTBS and auxiliary, Shreveport, La.; WBIG, Greensboro, N. C.; WIRE and auxiliary, Indianapolis, Ind.

The present licenses of the following stations were extended on a temporary basis only pending determination upon the application for renewal of license, for the period ending December 1, 1939: WHK, Cleveland, Ohio; WCKY, Covington, Ky.; WCSC, Charleston, S. C.; WHEC, Rochester, N. Y.; WSMB, New Orleans, La.; KFAC, Los Angeles, Calif.; KRIS, Corpus Christi, Tex.; WBNS, Columbus, Ohio (auxiliary); WGAR, Cleveland, Ohio (auxiliary).

The present license of the following station was extended on a temporary basis only pending receipt of and determination upon the application for renewal of license, for the period ending December 1, 1939: KGCX, Wolf Point, Mont.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: KFQD, Anchorage, Alaska.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WNEL, San Juan, P. R.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WBHP, Huntsville, Ala.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: KGBU, Ketchikan, Alaska.

The following stations were granted renewal of international broadcast station licenses for the regular period: WCBX and auxiliary, New York, N. Y.; WLWO, Cincinnati, Ohio; KGEI, San Francisco, Calif.; WGEA, Schenectady, N. Y.; WGEO, Schenectady, N. Y.; WNBI, New York, N. Y.; WRCA, New York, N. Y.; WBOS, Boston, Mass.; WPIT, Pittsburgh, Pa.; WRUL, Boston, Mass.; WRUW, Boston, Mass.

The present licenses of the following international broadcast stations were extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WDJM, Miami, Fla.; WCAB, Philadelphia, Pa.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, until December 1, 1939, pending determination upon application for renewal.

WABG—Memphis Commercial Appeal Co., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, until December 1, 1939, pending determination upon application for renewal.

MISCELLANEOUS

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with Station KOA from 6:45 p. m. to the conclusion of the University of Florida v. University of Miami football game on November 18, 1939.

KVAK Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time on October 21 and 27, 1939, in order to broadcast football games only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate additional time on November 4, 1939, in order to broadcast Alfred University v. St. Lawrence University football game only.

KNET—John Calvin Welch, William M. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Association, Palestine, Tex.—Granted special temporary authority to operate additional time on October 20, 27, November 3 and 11, 1939, in order to broadcast Palestine High School football games only.

W2XBT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate television broadcast station (experimental) W2XBT on the frequency band **156-162 mc.**, for the period beginning November 11, 1939, to December 10, 1939, pending adjustment of the license to conform with the provisions of Section 4.74.

WRCA-WNBI—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to transmit programs consisting of Spanish news to be rebroadcast by Cuban Stations CMX and COCX, for the period October 28, 1939, to November 26, 1939.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted motion for continuance of hearing from November 14, indefinitely, in re application for C. P. to change frequency and time of operation.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted petition to accept amendment to application so as to request a change in frequency to **630 kc.**, with 5 KW power both day and night.

NEW—Broadcasting Corp. of America, Riverside, Calif.—Granted authority to take depositions in re application for new station.

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—Granted without prejudice to the filing of petitions to intervene by WFIL and WIS, motion to strike appearances of stations WFIL and WIS, in re application of WABI for C. P. to change frequency and power.

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—Denied motion to vacate order and dismiss station WLBZ, Maine Broadcasting Co., Intervener, in re above application for C. P.; exception noted by counsel for WABI.

KNOW—Frontier Broadcasting Co., Inc., Austin, Tex.—Granted modification of C. P. to make changes in equipment, approval of transmitter site and installation of vertical radiator.

WSPB—WSPB, Inc., Sarasota, Fla.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.

KUIN—Southern Ore. Broadcasting Co., Grants Pass, Ore.—Granted modification of C. P. approving studio and transmitter sites and installation of vertical radiator.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted authority to determine operating power by direct measurement of antenna input.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted license to cover C. P. authorizing new equipment, move of transmitter locally, installation of vertical radiator and increase in power to 250 watts, unlimited time.

WEHL—Community Broadcasting Service, Inc., Bangor, Me.—Granted modification of high frequency relay broadcast station license to change frequencies to **1622, 2058, 2150** and **2790 kc.**

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted modification of C. P. for approval of transmitter and studio sites, and installation of vertical radiator.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted modification of C. P. extending completion date to January 1, 1940. Also granted modification of license to increase night power of auxiliary transmitter from 100 to 250 watts.

WBRK—Harold Thomas, Pittsfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input.

KVEC—The Valley Electric Co., San Luis Obispo, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input.

WHB—WHB Broadcasting Co., Kansas City, Mo., Portable-Mobile.—Granted C. P. for new low frequency relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, unlimited, 100 watts.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of C. P. to move transmitter site, install new equipment and make changes in antenna system; extend commencement date to 60 days after grant and completion date to 180 days thereafter.

W3XDS—RCA Manufacturing Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate General Experimental Station W3XDS using frequency of **950 kc.**, with a power of 1 KW to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2:00 to 7:00 a. m., EST, on Sundays, midnight to 5:00 a. m., EST, Mondays, and 1:00 to 5:00 a. m., EST, from Tuesday through Saturday, for the period October 23, 1939, to not later than November 21, 1939.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning October 21, 1939, and ending in no event later than November 19, 1939, pending settlement with Station KWLC and filing of application for installation of new equipment.

WBRY—American-Republic, Inc., Waterbury, Conn.—Granted extension of special temporary authority to operate with the present two unit directional antenna in accordance with the experimental authority granted under license, for the period October 30, 1939, to not later than November 28, 1939, in order to determine necessary steps to change from a Special Broadcast to a Standard Broadcast Station.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time to broadcast high school football games only on November 2, 3, 10, and 11, 1939.

WGNY—Courier Publishing Corp., Newburgh, N. Y.—Granted special temporary authority to operate additional time on November 7, 1939, in order to broadcast election returns only.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate additional time on November 4, 11, 18, 25, and 30, 1939, in order to broadcast football games only, as described in letter dated October 14, 1939.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate additional time on November 4, 11, 18, 25, 1939, in order to broadcast football games only.

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate additional time on night of November 7, and morning of November 8, 1939, in order to broadcast election returns only.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4:00 p. m. to 5:00 p. m., CST, on November 8, 15, 22, and 29, 1939, in order to broadcast children's services.

WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Granted special temporary authority to operate additional time on November 11, 1939, in order to broadcast Michigan State v. Santa Clara University football game only.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Denied special temporary authority to operate with power of 250 watts night on **1310 kc.**, for a period not to exceed 30 days, pending change to frequency **1200 kc.** power, 250 watts as authorized by grant of C. P. as modified.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable MOPA 100 watts transmitter on frequency **1140 kc.** in the vicinity of Portland, Oregon, for the making of transmitter site tests, during the daytime, for a period not to exceed ten days, from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station.

NEW—Bureau of Education, A. Corenson Owner and Manager, Montebello, Los Angeles, Calif.—Adopted proposed findings (B-76), entered on September 13, 1939, denying the application for a new station at Montebello, California, to operate on the frequency **1420 kc.** with power of 100 watts, hours of operation limited to daytime only. The order in this case is effective October 21, 1939.

W9XAA—Chicago Federation of Labor, York Township, Illinois; KLS—Radio Service Corp. of Utah, Saltair, Utah.—Adopted proposed findings (B-53), entered on September 13, 1939, denying the application of the Chicago Federation of Labor for renewal of license and for consent to voluntary assignment of license to Radio Service Corporation of Utah; and dismissing the application of Radio Service Corporation of Utah for construction permit to change the station's equipment and location and increase power output to 10 KW. The order in this case shall become effective on October 24, 1939.

WEJI—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency broadcast station, and reduce power to 0.25 watts. Also granted license to cover same.

WEJL—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency broadcast station, and reduce power to 0.25 watts. Also granted license to cover same.

KEJJ—National Broadcasting Co., Inc., Denver, Colo. (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency relay broadcast station, and add A1 and A2 type of emission.

KEJK—National Broadcasting Co., Inc., San Francisco (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.

KEJL—National Broadcasting Co., Inc., San Francisco (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.

KEJA—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.

WEJN—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment and add A1 and A2 emission in high frequency relay broadcast station.

WEJQ—National Broadcasting Co., Inc., Cleveland, Ohio (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.

WEJW—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.

KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted C. P. to make changes in composite equipment.

WRUW—World Wide Broadcasting Corp., Hatherly Beach, Scituate, Mass.—Granted license to cover C. P. for local move of transmitter of International Broadcast station.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C. —Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator and increase in day power from 1 KW to 5 KW.

KOVO—Citizens Voice & Air Show, Provo, Utah.—Granted license to cover C. P. authorizing new station to operate on **1210 kc.**, 100 watts night, 250 watts day, unlimited time.

KMJ—McClatchy Broadcasting Co., Fresno, Cal.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.

WHA—Univ. of Wisconsin, Madison, Wis.—Granted modification of license to change name of licensee from University of Wisconsin to State of Wisconsin, University of Wisconsin.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of C. P. extending completion date to May 20, 1940.

NEW—King-Trendle Broadcasting Co., Pontiac, Mich.—Denied petition for immediate consideration of its application for C. P. without further hearing. (The Commission on July 27, designated for further hearing the application for a new station to operate on **1440 kc.**, 250 watts, unlimited time.)

WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied petition for review and request for reconsideration of the action taken in the motions hearing on September 8, 1939, in denying petitioners' opposition to petition of WOAX, Inc., licensee of WTNJ, Trenton, N .J., to accept an amendment to its application for modification of license, and motion to strike filed by licensees of WCAM and WCAP; and the Commission, on its own motion ordered the consolidation of Docket No. 5667 and amendment thereto, with Docket 5657 and amendments thereto, requesting the facilities of WCAP and WCAM.

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—The minute entry of the Commission's action of October 10, in granting increase in power for station WALR, was corrected to read as follows: "Increase power to 250 watts, unlimited time, *contingent upon the change of frequency of Station WCOL to* **1200 kc.**"

WCOP—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Granted motion for stay of the effectiveness of the Commission's action of October 10 in granting the application of WCOL for C. P. to change frequency from **1210** to **1200 kc.** and use 250 watts full time, and suspended the same pending the filing by Scripps-Howard Radio, Inc., of a petition for hearing on or before the twentieth day from Oct. 10, and action upon such petition.

KWLK—Twin City Brdcstg. Corp., Longview, Wash.—Granted special temporary authority to operate additional time on Nov. 3, 11 and 17, in order to broadcast football games only.

KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico. —Granted extension of special temporary authority to operate unlimited time on **1180 kc.**, using 10 KW, employing DA system after sunset at Portland, Ore. (Oct. 5:30 p. m. and Nov. 4:45 p. m., PST), for the period Oct. 30 to Nov. 28.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc**, using 5 KW, for the period Oct. 30 to Nov. 28.

WLEZ—The Norfolk Daily News, Norfolk, Neb.—Granted special temporary authority to operate equipment formerly licensed as relay broadcast station WLEZ on frequency **1622, 2058, 2150** and **2790 kc.**, 5 watts, without monitor, from 10 a. m. to noon CST on October 26, in order to relay broadcast Madison County Cornhusking Contest to radio station WJAG.

NEW—F. W. Meyer, Denver, Colo.—The Commission reconsidered its former action taken May 16, 1939, denying application for a new station in Denver to operate on **1310 kc.**, 250 watts day, 100 watts night, and designated the matter for Oral Argument to be held November 9, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate additional time on November 24, to broadcast football game only.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over Station WKAQ, on a non-commercial experimental basis only, for the period October 31 to November 29, 1939.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn. —Granted special temporary authority to operate on new directional antenna system as described in application for C. P. granted April 17, day and night for a period not to exceed 10 days, in order to make field intensity measurements, provided such operation shall cease immediately measurements are completed and shall not be resumed until proof of performance submitted and approved.

Columbia Broadcasting System, Inc., New York City.—Granted authority to transmit from Detroit and Dearborn, Mich., through KTSA, San Antonio, Texas, to the following Mexican radio stations the Ford Sunday Evening Hour program for the period ending January 7, 1940: XEQ and XEQQ, Mexico City; XET and XETT, Monterrey; XECZ, San Luis Potasi; XES, Tampico; XED and XEDD, Guadalajara; XEU, Veracruz, and XEME, Yucatan, via facilities of the American Tel. and Telg. Co. and La Compania Telefonica y Telegrafica Mexicana, S.A. and by rebroadcast.

APPLICATIONS FILED AT FCC

570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—C. P. to make changes in directional antenna, for night use only, and increase power from 1 KW; 5 KW LS, to 5 KW.

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—License to cover C. P. (B2-P-2334) as modified for changes in equipment and increase in day power.

680 Kilocycles

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P. to install new transmitter, directional antenna for day and night use; increase power from 500 watts, 2½ KW LS, to 5 KW; hours of operation from daytime (LS at San Francisco, Calif.) to unlimited time; and move transmitter from Pickett Road, 5⅜ miles southeast of St. Joseph, Mo., to 5¼ miles north-northeast of St. Joseph, Mo. Amended to request DA for day and night use.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours of operation on Sundays only from 8:30 to 9:30 a. m. *to* 9 to 10 a. m., CST.

1210 Kilocycles

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corporation, Detroit, Mich.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—C. P. to install new transmitter, increase power from 1 to 5 KW, using directional antenna at night.

1260 Kilocycles

WHLD—The Niagara Falls Gazette Publishing Co., Niagara, N. Y. —Modification of C. P. (B1-P-2210) for a new station, requesting approval of antenna and install new transmitter and for approval of transmitter site at Niagara, N. Y.

1310 Kilocycles

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to transfer control of corporation from S. E. Adcock, and S. E. Adcock, Administrator of Estate of Ruth Adcock, deceased, to S. E. Adcock, 124 shares common stock.

WGTM—WGTM, Inc., Wilson, N. C.—C. P. to make changes in equipment and increase power from 100 watts to 250 watts.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P. to make changes in equipment, increase power from 100 to 250 watts.

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—Modification of C. P. (B3-P-2398) for changes in antenna, further requesting changes in directional antenna and increase power from 1 KW, 5 KW LS, to 5 KW day and night; extend commencement and completion dates 30 and 90 days, respectively.

1370 Kilocycles

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Modification of C. P. (B3-P-2390) as modified to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—License to cover C. P. (B2-P-2405) for equipment changes.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1420 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Worcester Broadcasting Corporation, San Diego, Calif.—C. P. for a new station on **1430 kc.**, 1 KW, 5 KW LS, unlimited time, facilities of KECA. Amended to request **1420 kc.**, 250 watts, and omit request for facilities of KECA.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1430 Kilocycles

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P. for a new station on **1420 kc.**, 100 watts, 250 watts LS, unlimited time. Amended to request **1430 kc.**, 500 watts power, install vertical antenna, make changes in equipment, and specify transmitter site as Pacific Highway, outside city limits, North Everett, Wash.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C. —Authority to determine operating power by direct method.

1500 Kilocycles

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

MISCELLANEOUS

NEW—National Broadcasting Co., Inc., area of Washington, D. C. —C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.**, 25 watts, A1, A2, A3.

NEW—National Broadcasting Co., Inc., area of Cleveland, Ohio.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 0.25 watts, A-3.

NEW—National Broadcasting Co., Inc., Cleveland, Ohio.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 25 watts, A-3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 25 watts, A1, A2, A3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 0.25 watts, A-3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 2 watts, A-3.

NEW—National Broadcasting Co., Inc., area of San Francisco, Calif.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 25 watts, A1, A3, and A2.

NEW—National Broadcasting Co., Inc., area of Denver, Colo.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.,** 25 watts, A-3.

NEW—Edwin A. Kraft, area of Juneau, Alaska.—Construction permit for new relay broadcast station on **1622, 2058, 2150** and **2790 kc.,** 50 watts power, A-3.

XXXX—Columbia Broadcasting System, Inc., Authority to transmit programs (Ford Sunday Evening Hour program) from stations at Detroit and Dearborn, Michigan, through station KTSA, San Antonio, Texas, to foreign stations in Mexico: XEQ, XEQQ, XET, XETT, XECZ, XES, XED, XEDD, XEU and XEME, for 13 weeks, 10-15-39 to 1-7-40.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—C. P. for new relay broadcast station on **33380, 35020, 37620, 39820 kc.,** 2 watts power. A-3.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—C. P. for relay broadcast station on **33380, 35020, 37620, 39820 kc.,** 2 watts power. A-3.

W8XVC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—modification of C. P. (B2-PFB-15) to extend commencement and completion dates from 11-6-39 and 5-6-40 to 5-6-40 and 11-6-40.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American LaFrance & Foamite Industries, Inc.—See Walter Kidde & Co., Inc.

C-O-Two Fire Equipment Co.—See Walter Kidde & Co., Inc.

Fyrout Company, Inc.—See Walter Kidde & Company, Inc.

Harmony Centre—In a complaint Jessie F. Springer, trading as Harmony Centre, 604 West 112th St., New York, was charged with disseminating misleading representations in the sale of a book "The Grape Cure," formerly distributed under the title "The Grape Cure (How I Cured Myself of Cancer)". The book allegedly tells how its author, Johanna Brandt, cured herself of cancer through the use of a method based on the use of grapes.

The method described in the book, it is allegedly claimed by the respondent, will cure or rid one of cancer and practically all other diseases, ailments and conditions which may afflict the human body. Further representations made by the respondent are that salt, inorganic drugs, and patent medicines cause cancer; that poisons result from using aluminum vessels, and that most diseases originate in the intestines and are caused by poisons due to uneliminated waste.

According to the complaint all such representations are false, for in truth, the system outlined in the book, "The Grape Cure," is not an effective treatment for the diseases named by the respondent; salt, inorganic drugs, and patent medicines do not cause cancer; poisons do not result from the use of aluminum vessels, nor do most diseases originate in the intestines nor are they due to uneliminated waste. (3933)

Hollywood Racket Manufacturing Co., Inc.—A complaint has been issued against Hollywood Racket Manufacturing Company, Inc., 7462 Melrose Ave., Hollywood, Calif., alleging misleading representations in the sale and distribution of tennis, badminton and squash rackets.

According to the complaint, imported Japanese racket frames bearing the mark "Made in Japan" are lacquered, supplied with a leather grip and strung by the respondent, in which processes the mark "Made in Japan" is obliterated and concealed, and in this condition the rackets are sold to the public. It is further alleged that the respondent stamps on such rackets the legend "Hollywood Racket Mfg. Co.," and disseminates advertisements which represent these rackets as being manufactured in Hollywood and of wholly domestic origin, when in truth the frames are made in Japan. (3931)

Walter Kidde & Company, Inc.—Unlawful trade practices involving use of unfair methods of competition and exclusive dealing contracts are alleged in a complaint against five companies engaged in the manufacture, assembly and sale of fire fighting equipment including carbon dioxide fire extinguishing systems and carbon dioxide portable fire extinguishers.

The complaint is directed against the following respondents: Walter Kidde & Co., Inc., 140 Cedar Street, New York; American LaFrance and Foamite Industries, Inc., Elmira, N. Y.; C-O-Two Fire Equipment Company, 560 Belmont Ave., Newark, N. J.; National Foam System, Inc., 1632 Sansom Street, Philadelphia, and Fyrout Company, Inc., 90 West Street, New York.

According to the complaint, the respondents fixed and maintained a uniform price in the sale of unpatented parts, accessories, apparatus and equipment used in the manufacture, assembly or operation of fire extinguishers. It is further alleged that the respondents fixed and maintained uniform prices in the sale of certain couplings used as accessories on hose assemblies of carbon dioxide fire extinguishers, without the requirement of a license or other authority from the owner of a lawfully issued patent on such couplings. The respondents are also charged with having agreed to submit, and with having submitted, identical bids on parts, accessories, apparatus and equipment, where competitive bids were called for by Governmental agencies. (3929)

National Foam System, Inc.—See Walter Kidde & Company, Inc.

W. T. Wagner's Sons Company—Misleading representations in the sale of soda water and other soft drinks are alleged in a complaint against W. T. Wagner's Sons Company, 1920-26 Race St., Cincinnati.

It is alleged that the respondent represents directly or by implication that its "Wagner English Club Soda" is imported from England; that it is made of ingredients imported from England, and that only soda waters made in England have the properties possessed by "Wagner English Club Soda." In truth, the complaint continues, the respondent's product is made in the United States from domestic ingredients. Nor, it is charged, does the respondent's product have any properties possessed by soda waters made in England which are not possessed by other soda waters made in the United States from domestic ingredients. (3932)

Washington Laundry—In a complaint Joseph T. Gibbons, trading as Washington Laundry, 2627 K St., N. W., Washington, D. C., was charged with the dissemination of misleading representations in connection with the interstate activity of his laundry, dry cleaning and dyeing business. (3930)

Withol Beauty Laboratories, Inc.—See Withol, Inc.

Withol, Inc.—Alleging dissemination of misleading representations in the sale of cosmetics, a complaint has been issued against Witol, Inc., Witol Beauty Laboratories, Inc., and their officers, William Witol, Ann Felix and Hattie Blankfeld, 1700 Broadway, New York.

According to the complaint, the respondents misleadingly represented that "Take-Off" is an effective preparation for the treatment of pimples, blackheads, whiteheads, freckles, and superficial blemishes of the skin, and that it removes the outer layer of the skin to give a new, fresh surface skin, when such are not the facts. The respondents, it is alleged, further misleadingly represented that "Witol's New Liquid Skin Peel" is an effective preparation for the removal of the outer layer of the skin, and that it effectively removes within a few days, blackheads, whiteheads, coarse pores, outer freckles, superficial pimples and annoying superficial blemishes, when such are not the true facts. (3934)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

W. K. Buckley, Inc., 26 Forbes St., Rochester, N. Y., in a stipulation supplemental to one entered into in October, 1934, agreed to cease representing that "Buckley's Mixture" will cure colds; is an effective treatment for coughs not due to colds or bronchial irritations, or will act quickly on a cold. (0779)

Harper Method, Inc., 1233 East Main St., Rochester, N. Y., entered into a stipulation in which it agreed to discontinue misleading representations in the sale of a hair tonic and eyelash grower.

According to the stipulation, the respondent will cease representing that the use of the "Harper Method Tonique," or any of the several "Harper Method Ointments" or the Harper methods of application, or any similar preparation or treatment, can prevent baldness, end dandruff, restore scalp health, stimulate growth of new hair, bring renewed vitality and health to the hair, allay "scalp fever," or affect the functioning of oil glands of the hair. The respondent will further discontinue claims that colds make one's hair a social outcast; that dried oils, dust or grime are often the causes of falling hair or baldness, or that removal of such foreign matter by the use of the Harper Method or similar preparations will effectively prevent or remedy falling hair or baldness.

Harper Method, Inc., will also cease representing by statements such as "Eyelash and Eyebrow Grower," or in any similar manner, that the pomade offered by it will grow lashes or brows, or promote their growth or make them longer or silky. (2553)

Hoburt Hosiery Mills—Henry J. Berusch, trading as Hoburt Hosiery Mills, 320 Fifth Ave., New York, agreed to cease using "Mills" as part of his trade name or in any other way so as to imply that he manufactures the products sold by him or that he actually owns, operates or controls the mill or factory in which his products are made, when such is not a fact. (2554)

McKesson and Robbins, Incorporated, trading as Golden Brown Chemical Company, Bridgeport, Conn., agreed to cease advertising that any of its cosmetic preparations penetrates or invigorates the hair roots, or causes blemishes or blotches to disappear; that either the respondent's beauty culture course or diploma, included in its so-called special offers to prospective agents, is of any value, and that any of its so-called special offers is limited to one agent, unless this is a fact. The respondent also stipulated that it will cease misleading uses of the word "free" to describe merchandise offered as compensation to agents for distributing the respondent's merchandise and will discontinue employing the words "Rose" or "Almond" as a part of a trade name of any of its products unless such product is composed principally of rose and almond ingredients. (02452)

Templetons, Inc., 1517 Broadway, Buffalo, N. Y., agreed to discontinue representations that its preparation, "Raz-Mah" will quickly relieve hay fever sufferers from sneezing, itching and excessive watery secretions in the nose and eyes; will quickly relieve coughs due to bronchial irritation; will prevent bronchial irritations from developing into asthma, or will relieve sufferers from smokers' coughs. (02453)

Vita Products, Inc., Zeeland, Mich., stipulated that it will cease representing that "Nutrimere," a food supplement, supplies any mineral or other substance with the exception of iodine, in therapeutic quantities, or that "Nepter Kelp and Cod Liver Oil Tablets" supply any mineral or other substances except iodine and Vitamin D in therapeutic quantities. The respondent will also discontinue claims that "Nutrimere" is of any value in the treatment of any conditions unless specifically limited to those cases which are due to iodine deficiency, and then only to the extent of supplementing the iodine consumed, or that "Nepter Kelp and Cod Liver Oil Tablets" will be of any greater value unless specifically limited to such results as may be expected by reason of the Vitamin D content, or that either product constitutes a competent or effective remedy for arthritis, anemia, goiter, rickets, asthma, constipation, colds, catarrh, hay fever, or high or low blood pressure.

Vita Products, Inc., also stipulated that in future advertising of "Nutrimere" and "Nepter Kelp and Cod Liver Oil Tablets," it will publish a conspicuous warning to the effect that these products may be harmful to some individuals and in such cases should be taken only under proper medical supervision. (02451)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Avery Salt Company—See Jefferson Island Salt Co.

Carey Salt Company—See Jefferson Island Salt Co.

H. P. Clearwater, Hallowell, Maine, has been ordered to discontinue misleading representations in the sale of medicinal preparations designated as "Rheumatic Arthritis Treatment."

Under the order, the respondent is to cease representing that his training, education and experience have been such as to enable him to determine the causes, correct treatment and cure of arthritis or rheumatism, or that any of his theories as to the causes, method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts or reflect a consensus or majority of medical opinion, unless that is a fact.

The respondent was further ordered to discontinue representing that his preparations, singly or in combination, constitute a cure, remedy or adequate treatment for arthritis, rheumatism, sciatica or lumbago, or have any therapeutic value in the treatment of such conditions in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief, in some cases, from the pain incident to these conditions. (3777)

Inland Sales Corporation—A. Laskey, J. Samuels and J. P. Sheehan, trading as Inland Sales Corporation, 1719 W. Division St., Chicago, were ordered to discontinue the use of lottery schemes in the sale and distribution of sports jackets, pens, pencils, or any other articles of merchandise.

Under the order, the respondents are prohibited from supplying others with lottery devices for use in the sale of any merchandise, and from selling any merchandise by the use of lottery devices. (3846)

Jefferson Island Salt Company—Orders have been issued against four salt companies prohibiting them from disseminating misleading claims in the sale of their products.

The respondents named in the orders are Jefferson Island Salt Company, Louisville, Ky.; Morton Salt Company, 208 West Washington St., Chicago; Carey Salt Company, Hutchinson, Kans., and Avery Salt Company, Scranton, Pa.

Under the orders, the four respondents are to cease using any words signifying smoke or implying use of smoke to describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described has been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

The Carey Salt Company and the Avery Salt Company were further directed to cease representing that meat, by treatment with their products, acquires the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke from burning wood during the course of its combustion.

In addition, the Carey Salt Company was ordered to discontinue claims that its so-called smoke salt cures and smoke-flavors meat in one operation or that it cures and smokes meat at all or that treatment of meat with its product is as good as, or a thousand times better than, the old smokehouse.

The Avery Salt Company was also ordered to discontinue representing that "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat. (2150-2151-2248-2516)

Morton Salt Company—See Jefferson Island Salt Co.

Pennsylvania Salt Manufacturing Company, Widner Building, Philadelphia, and Smoked Products Company and The Smoked Salt Company, Fifth and Butler Sts., Cincinnati, were ordered to discontinue misleading representations in the sale of salt.

Under the orders, the respondents are prohibited from representing that meat cured or treated with "smoked salt" will be subjected to smoke, or that "smoked salt" can do everything that an old smokehouse does in the curing or smoking of meat. (2783-2784)

Smoked Products Company—See Pennsylvania Salt Manufacturing Co.

Smoked Salt Company—See Pennsylvania Salt Manufacturing Co.

FTC CLOSES CASE

The Federal Trade Commission closed its case against Robert Theodore Plate, trading as Plate Manufacturing Company, 11302 Chalmers St., Detroit.

The case charging the respondent with unfair methods of competition in connection with the sale of Kant-Run and HoSaver, chemical preparations designed for laundering silk and rayon stockings and lingerie, was ordered closed without prejudice to the right of the Commission to reopen it should conditions so warrant.

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 44, November 3, 1939

A. F. of M. Asks IRNA Increase

The Executive Committee of IRNA met Thursday with the International Executive Board of the AFM in order to exchange views regarding procedure in connection with the approaching expiration of the national plan of settlement between the AFM and network affiliates made in 1937 which expires on January 17, 1940. There were present, representing the IRNA, Walter J. Damm, John Shepard, III, and Samuel R. Rosenbaum, chairman. Also present by invitation were representatives of the three national networks, as follows: Mark Woods of NBC, Lawrence W. Lowman, CBS and Julius F. Seebach of MBS; also, Harold Lafount, president of the National Independent Broadcasters, as representative of independent non-affiliated stations; also, Joseph L. Miller, Director of Labor Relations of NAB.

During the course of the conference Mr. Joseph N. Weber, president of the AFM and chairman of its International Executive Board notified the broadcasters that the position of the Federation is as follows:

(a) In 1937, the Federation required the network affiliates (including network owned and operated stations but not including network key stations) to increase their annual expenditure for staff musicians by an additional sum of $1,500,000, thereby bringing the gross annual expenditure up to not less than three million dollars. This has been carried out under the plan of settlement during the two years beginning January 17, 1938.

Upon the expiration of the present arrangement, January 17, 1940, the Federation will require that this annual expenditure be increased by a further sum of $1,500,000 per annum, bringing the gross expenditure of the affiliates as a group for staff musicians up to the sum of not less than $4,500,000 per annum.

(b) In 1937, the Federation required that the annual expenditure of the three national networks in all their key stations in New York, Chicago and Los Angeles be increased by $60,000 per annum each for staff musicians and this arrangement has been carried out in the two years since the effective date of the national plan of settlement, January 17, 1938. The Federation will require that this increased expenditure be doubled after the expiration of the present arrangement on January 17, 1940, that is, that all of the key stations of the three national networks, in New York, Chicago and Los Angeles, be equivalent to $120,000 per annum for each station in excess of the amount that was being spent prior to 1938.

(c) The Federation will deal separately with the independent non-affiliated stations

(Continued on page 3808)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

A. F. OF M. ASKS IRNA INCREASE

(Continued from page 3807)

and its demands from such stations were not communicated to those participating in today's conference.

The representatives of IRNA and the networks were not empowered to give the Federation any reply to these demands.

The Executive Committee of IRNA will promptly communicate with all affiliates in order to obtain facts and figures with which to go back to the Federation for further conference and negotiation.

The Federation notified the IRNA Committee that it should obtain the necessary responses from the affiliates with sufficient promptness to enable the Committee to meet again with the Federation Executive Board on November 20, 1939, the date fixed for the next conference. Statement by Samuel R. Rosenbaum, Chairman of IRNA.

ANA CONVENTION

The 30th annual meeting of the Association of National Advertisers held in Hot Springs, Virginia, October 25, 26, 27, and 28, discussed two subjects of particular interest to broadcasters.

The Consumer Movement

The entire day of October 26th was devoted to reports and discussion of the "Consumer Movement." There has been much discussion of this challenging question to present-day business and the ANA undertook to present a complete factual and unbiased picture of the movement to those most concerned—advertisers, advertising agencies, and advertising media. Reports and discussions were carried on under four topics. Part 1 was devoted to "What the Consumer Movement Is"; Part 2, "The Importance of the Movement in Educational Channels"; Part 3, "The Importance of the Movement in Government"; and, Part 4, "The Scope and Penetration Nationally Among the Consuming Public." Such books as "100,000,000 Guinea Pigs", "Your Money's Worth", and such services as "Consumers Guide" and "Consumers Union" have been instrumental in getting the "Consumer Movement" under way.

Dr. Kenneth Dameron, Professor of Marketing at Ohio State University, at presesnt on leave and engaged in special research on advertising and consumer relations for the AAAA reported on the importance of the movement in educational channels. He stated that he felt business was neglecting a much needed honest public relations contact with educators. He indicated that the business conception of educators as having radical views on business is basically caused by the failure of business to equip schools with factural material. In the absence of proper information, school teachers, instructors, and professors have accepted the store of information furnished them through such sources as represented by "100,000,000 Guinea Pigs."

After a report on "The Importance of the Movement in Government" outlining the impetus given the movement by various government agencies, Dr. George Gallup, Vice President of Young & Rubicam, Inc., and President of the Institute of Public Opinion, reported the results of a survey on the "Consumer Movement" conducted by the Advertising Research Foundation. The survey was divided into two parts, one directed to consumers and the other directed to educators. Dr. Gallup's report disclosed that 24 per cent of the consumers interviewed knew of the "Consumer Movement" and about half of these had reasonably intelligent ideas about it. The alarming feature was that most of the educators knew and understood the "Consumer Movement." The implication of this finding is that the future consumers represented by those attending school now are being taught the doctrines of the "Consumer Movement" which envisions radical changes in business structure and would eliminate all advertising.

NAB is requesting that a summary of the survey findings reported by George Gallup be furnished for distribution to NAB member stations because of its fundamental significance and the direct bearing on advertising. Information was gathered on consumer opinion of business, distribution and advertising.

The Advertising Research Foundation

On October 27th the entire day was devoted to a discussion under the topic "Precision Tools for Advertising" put on by the Advertising Research Foundation. This Foundation was formed by the ANA in 1935 to fulfill the function of promoting scientific measurement of advertising values. At this meeting a history of the Foundation was presented, detailing the objectives of the organization and its accomplishments to date.

Neville Miller, President of the National Association of Broadcasters, made an address (appearing in last week's REPORTS, volume 7, number 43) on the subject of "The Viewpoint of Radio." Kerwin Fulton, President of Outdoor Advertising, Inc., presented "The Viewpoint of the Outdoor Industry" in which he lauded the Advertising Research Foundation for the work it had done in establishing a method and assisting in the formation of the Traffic

Audit Bureau which is currently releasing standard information on the value of outdoor advertising.

A report was then given on a new project undertaken by the Advertising Research Foundation on the topic of "Measuring Magazine Readership." This undertaking of the Foundation marks the beginning of refined measurement of the value of magazine advertising. There was next reported "The Continuing Study of Newspaper Reading." A history of the undertaking was given and the first produced study of newspaper reading was presented. A standard survey of an Akron, Ohio, newspaper reports the percentage of subscribers reading individual pages of the newspaper and the percentage reading individual articles and advertisements appearing on each page. Separate percentages are presented for men and women and summarized by the various departments of the newspaper. It was announced that this was the first "reading survey" released and that like reports for other newspapers will be released at about two-week intervals. Both the magazine and newspaper studies are being financed by the publishers and produced by the Advertising Research Foundation. In both cases, the studies undertaken will in no way affect the "circulation figures" developed by the Audit Bureau of Circulation. The new studies will supplement and refine the basic circulation data.

This development is important to the broadcasting industry because of the refinements in information being developed by these two media and the work done for the outdoor advertising industry. It indicates the need for radio industry action in the establishment of standard measurements of the advertising value of radio broadcasting. Mr. Miller, in his speech to the ANA, mentioned the joint undertaking of the NAB with the ANA and the AAAA, known as the Joint Committee on Radio Research. The creation of this committee was a step in the right direction, however its progress has lagged and in the best interests of the radio industry its objectives should be reviewed and understood by each NAB member and concerted action taken to attain a progressive position for broadcast advertising in the matter of honest, standard, lucid information on its advertising value.

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Wage and Hour Act

The Wage and Hour Administration now says it is all right to reduce *weekly* wages when reducing working hours from 44 to 42, if the *hourly* rate is above the minimum of 30 cents. The *hourly* rate must not be cut.

For instance, if an announcer was paid $44 for a 44-hour week, he can be paid only $42 for a 42 hour week. If he is kept on a 44-hour schedule, however, he must be paid for two hours overtime at $1.50 an hour, or $45 a week. Or he can be paid $44 for a 43 1/3 hour week.

The Administration held that Section 18 of the Act ("No provision of this Act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage") referred to the *hourly* wage, not to the *weekly* wage.

CODE EDITORIALS

Included with this issue of the NAB REPORTS are additional newspaper editorials dealing with the Code. A more complete cross section of press opinion will be published in a future NAB NEWS REVIEW.

FDR PRAISES RADIO

President Roosevelt tossed a bouquet to the broadcasting industry last week.

In a speech addressed to the New York Herald-Tribune forum, he said, in part:

> I am glad to say a word in this forum because I heartily approve the forum idea. After all, two eighteenth-century forums in Philadelphia gave us the Declaration of Independence and the Constitution of the United States.
>
> It is the magic of radio that has so greatly increased the usefulness of the forum. Radio listeners have learned to discriminate over the air between the honest advocate who relies on truth and logic and the more dramatic speaker who is clever in appealing to the passions and prejudices of his listeners.
>
> We have had an example of objective reporting during recent weeks in the presentation of international subjects, both in the press and the radio. Right here I should like to throw bouquets to the majority of the press and the radio. Through a period of grave anxiety both have tried to discriminate between fact and propaganda and unfounded rumor and to give their readers and listeners an unbiased and factual chronicle of developments. This has worked so well in international reporting that one may be pardoned for wishing for more of it in the field of domestic news. If it is a good rule in one, why is it not a good rule in the other?
>
> * * *
>
> It is a fact increasingly manifest that presentation of real news has sharpened the minds and the judgment of men and women everywhere in these days of real public discussion—and we Americans begin to know the difference between the truth on the one side and the falsehood on the other, no matter how often the falsehood is iterated and reiterated. Repetition does not transform a lie into a truth.

FREE OFFER

Comparative quiet reigned on the "free offer" front last week with only three attempts to obtain radio time "gratis" reported by member stations.

However, one of these involved motion pictures, with the Artists Bureau, Hollywood, Cal., sending out transcribed news programs about forthcoming movie productions and movie personalities for stations to broadcast "free of charge." NAB has advised the above organization of radio's stand on such attempts. It has also tried to impress upon them the advantages of a regular campaign. In this connection, it is interesting to note that the latest public opinion survey of Fortune Magazine reported in the November issue asked this question, "If you had to give up either going to the movies or listening to the radio, which one would you give up?" 79.3% of those interviewed said they would give up the movies; 13.9% said they would be willing to give up radio; 6.8% were undecided. Headquarters has also again advised Radio Program Associates (Doc Sellers True Stories) and Ringling Brothers-Barnum and Bailey Circus that their recent attempts to garner free air time are contrary to the NAB Code of Ethics.

The American Osteopathic Association has objected to being listed in a recent issue of the REPORTS under the heading of free offers. NAB has explained that this information is given for the benefit of members and does not necessarily pronounce judgment on the merits of each individual free offer listed. In this case, apparently, no special commercial objective is sought in offering scripts on good health, etc., to stations. The A.O.A.'s own Code of Ethics prohibits individuals from advertising their services, in accordance with accepted medical practice.

DAVID LAWRENCE DISAGREES WITH BROADCASTERS

David Lawrence, editor of the United States News, spoke over Columbia Broadcasting System, Sunday, Oct. 29, on "Freedom for the Thought We Hate." The talk was in answer to the broadcast by Neville Miller, NAB president, on the previous Sunday, when news and controversial public issues sections of the code were supported over the same network.

Mr. Lawrence asserted his agreement with Voltaire, who is credited with saying "I wholly disagree with what you say, but I will defend unto death your right to say it."

It was his opinion that radio is a form of publishing. Because of this premise he took issue with the broadcasters in many of their conclusions.

"Now my principal contention," said Mr. Lawrence in part, "is that radio broadcasting owners have surrendered their individual freedom by setting up a Code of compliance or enforcement. . . . Some of the radio owners believe that the present statute—which says their licenses shall be granted by the government only when the stations conduct themselves in accordance with 'the public interest, convenience and necessity'—means that radio itself is somehow affected with a 'public interest' like a public utility and hence is in a different category from the press. I think this is a dangerous interpretation. I regret to say it has already been proclaimed in speeches by various chairmen of the Federal Communications Commission possibly because some day they wish to justify the exercise of wider powers. But in a court test I hope this interpretation will some day be held to be unconstitutional.

"The air itself does not belong to the Government but to the people whose rights are reserved under our written constitution. The air does not belong to the government any more than does the air in an auditorium where people assemble. What is spoken over the long distance telephone wires which makes this very network of nation-wide transmission possible, is no more subject to governmental regulation than would be my voice if carried from a private telephone in my home to an auditorium three thousand miles away where several hundred persons could assemble and listen through what is known as a 'public address' system of amplifying devices such as anybody can lease nowadays from a local telephone company at established rates.

"Yes, of course, there is a limited number of wave lengths. Hence the government has the function of seeing to it that frequencies do not overlap and that mechanical disturbances or collisions are reduced to minimum in order that the 'public interest, convenience and necessity' may be served. But to infer from this that programs may be regulated is to turn back the pages of history to the dark days when well-meaning bureaucrats in our own land sought to regulate, if not censor, the contents of newspapers or periodicals just because of the existence of the second-class mail privilege granted by the government itself. That battle has been fought and won, and so must the battle be won against those bureaucrats in government who have been trying by insidious means to give radio a special status just because it also benefits incidentally from a government-granted privilege.

"Nor has the President of the United States, as some have been led to believe, any lawful power over the radio at any time except while we are at war. During the existence of a foreign war in which we are neutral the Constitution with its guarantees of free speech and a free press is by no means suspended. No governmental commission, therefore, and no executive agency of the government has any constitutional power over radio programs at this time notwithstanding the existence of such a provision approximating that power in one of the provisions of our neutrality laws. Such clauses should be repealed or promptly tested in the courts.

"The National Association of Broadcasters chooses, I regret to say, the path of submission when they concede that the phrase 'public interest, convenience and necessity' bestows on the federal government any implied power over content of radio programs."

NAB CODE IS NOT CENSORSHIP

"Insofar as the Code bears upon the issues of free speech and censorship, it is one of the most welcome developments we have seen in the United States in a long time."

That was the conclusion reached by Quincy Howe, an executive editor of Simon and Schuster, publishers, New York City, and chairman of the National Council for Freedom from Censorship, in a broadcast over NBC-Red, at 6:45 p. m. November 2.

His ideas were diametrically opposed to those expressed by Newspaperman David Lawrence, over CBS, which appears elsewhere in this issue of NAB Reports.

"Censorship (the denial of the right of free speech," said Mr. Howe, "can be exercised only by some public official, some member of the Federal, State, municipal, or community government . . ."

Referring to the Code adopted by NAB, Mr. Howe said that "it is a course which can not fail to meet the full approval of all Americans who dislike censorship . . ."

"Theoretically, any private self-regulation is to be preferred to government regulation since government regulation is censorship. . . . As long as the radio industry remains as honest and competent as it is today, there can be no doubt that the present system of self-regulation, especially if the principles of the present Code are maintained, will be infinitely preferable to a radio industry censored and perhaps finally controlled by the government.

". . . Any discussion of free speech and censorship today must include some reference to the times in which we live. Because we still enjoy free speech in the United States; because we have no censorship over here, we sometimes take these things for granted. We do not realize always that free speech is not an end in itself. Free speech is one of the benefits we have gained under our democratic system, and, like any other benefit, it must be used to be enjoyed."

TO DISCUSS CODE OVER CBS AND NBC

Two radio talks on the NAB Code are scheduled for the week of November 4. On that date Edgar Bill, president of WMBD and chairman of the Committee of Audience Relations, will speak over the Columbia Broadcasting System, 1:45-2 p. m., EST.

On Friday, November 10, 9:30-9:45 p. m., EST, Samuel McCrea Cavert, general secretary of the Federal Council of the Churches of Christ in America, will give his interpretations of the NAB Code over the National Broadcasting Company's Blue Network.

TRANSCONTINENTAL BROADCASTING SYSTEM

According to press reports today, November 2nd, the Transcontinental Broadcasting System, incorporated in Wilmington, Delaware, with seven stockholder directors, is holding its first directors' meeting today. Stockholders are reported to be: H. J. Brennan of Pittsburgh; John Roberts and Clarence Crosby, both of St. Louis; Jack Stewart and Thomas Evans, both of Kansas City; Lester E. Cox of Springfield, Missouri; and Elliott Roosevelt, President of the Texas State Network. John T. Adams of Fort Worth, Vice President of the Texas State Network was elected to head the new chain, with William A. Porter of Washington, D. C., elected a director and vice president.

Mr. Roosevelt is quoted as explaining that all of the stockholders except himself were directors of the new corporation and that he was represented on the Board by John T. Adams. He stated, "The Texas Network is a part of the new chain but I do not want to give the impression that I am the organizer of the chain. I am, as an operator of radio stations, only a one-hundredth part of it."

MONTANA CASE

The following exchange of letters between the County Attorney of Missoula County, Montana, and the FCC was made public Friday, October 27:

"COUNTY OF MISSOULA
State of Montana
Missoula, Montana

October 7, 1939.

Mr. T. J. Slowie, *Secretary*,
Federal Communications Commission,
Washington, D. C.

Dear Sir:

As the duly elected prosecuting attorney for the County of Missoula, State of Montana, on June 22, 1939, I filed criminal charges against Gene Buck, Claude Mills, John Paine, Lewis Frohlich, Lenox Lohr, Niles Trammel, A. L. Ashby, John Royal, William Paley, Edward Klauber and Isaac Levy. The Complaints were based on the alleged crimes of Attempted Extortion, Attempt to Obtain Money by False Pretense, both felonies, and Conspiracy to Extort, a misdemeanor.

The defendants, some of whom are officers of the National Broadcasting Company and the Columbia Broadcasting System which own and operate stations under licenses from your body, so long as the public interest is concerned, are resisting extradition. Why?

The proof we have against these individuals is overwhelming. They are participants in one of the most gigantic frauds ever perpetrated on the American people. You perhaps do not realize this, and I am not going to "tip my hand," so to speak, to convince you. However, I do wonder whether it is to the public interest of our citizens to have common fugitives from Justice, and that is what they are, operate valuable public franchises.

They have the money to stand trial. If they are innocent they will be released by a jury of our citizens. Therefore I am asking your Honorable Body not to renew any licenses of any station owned and operated by the National Broadcasting Company and the Columbia Broadcasting System without full hearing as to the reasons why they do not clear themselves of felony and misdemeanor charges in the State of Montana. If they are guilty of these practices in this State, they are guilty elsewhere.

I am sending copies of this letter to the National Broadcasting Company, the Columbia Broadcasting System and to Senator Burton K. Wheeler, Chairman of the Interstate Commerce Committee of the United States Senate, asking him to hold a hearing on this matter at an early date.

Very truly yours,
EDWARD T. DUSSAULT,
County Attorney.

ETD/jn cc-NBC, CBS
Hon. Burton K. Wheeler."

* * *

"FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C.

October 19, 1939.

Mr. Edward T. Dussault,
County Attorney,
County of Missoula,
Missoula, Mont.

Dear Sir:

The receipt is acknowledged of your letter dated October 7, 1939, concerning criminal charges against certain individuals, some of whom are officers of either the National Broadcasting Company or the Columbia Broadcasting System.

You request the Commission not to renew any license of any station owned and operated by the National Broadcasting Company and the Columbia Broadcasting System without full hearing as to the reasons why they do not clear themselves of felony and misdemeanor charges in the State of Montana. You will understand, of course, that the Commission cannot set for hearing the renewal application of a licensee corporation because an officer of such corporation is resisting extradition unless the basis of the criminal charge against such officer is such as to indicate that the licensee corporation is not operating its station in the public interest. Without any information concerning the basis of the charges against the officers of the National Broadcasting Company and the Columbia Broadcasting System referred to in your letter, the Commission would not be warranted in ordering a hearing on the renewal applications of these licensees because such officers of the company are resisting extradition.

If you should furnish the Commission with additional facts concerning the basis for the criminal charges referred to in your letter, you may be sure that the matter will be given further consideration by the Commission.

Very truly yours,
T. J. SLOWIE,
Secretary."

MEE/RLW/WCK:1m

FLY SEES PRESIDENT

James Lawrence Fly, Chairman, and Frank R. McNinch, former Chairman of the Federal Communications Commission, conferred with President Roosevelt at the White House early this week. They told newsmen at the end of the conference that they had been discussing a number of radio problems with the President. It was reported at the Commission that the conference dealt with the Telegraph Company merger, data for which is being gathered for the Senate Committee on Interstate Commerce by the Communications Commission together with other Departments.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDER

The Federal Communications Commission has ordered that its grounds for decision of November 1, 1938, denying the application of the Travelers Broadcasting Service Corporation, **Hartford, Connecticut,** for voluntary assignment of licenses to the Travelers Broadcasting Company, "be set aside, and upon consideration of complete information concerning the proposed transfer, further ordered the application be denied."

This matter involves the joint application of The Travelers Broadcasting Service Corporation and the Travelers Broadcasting Company, requesting the Commission's consent to assignment of license of radio-broadcast Station WTIC, and short-wave Stations W1XEH, W1XLU, W1XO, W1XT, from The Travelers Broadcasting Service Corporation to the Travelers Broadcasting Company.

The Commission adopted a final order denying without prejudice to the filing of a new application for appropriate facilities the application of the Brown County Broadcasting Company for authority to construct a new station in **Brownwood, Texas,** to use **990 kilocycles,** 1000 watts power, daytime operation.

"The Commission's allocation plan," it explained, "is not an attempt arbitrarily to limit the broadcasting facilities of any community. It is a carefully devised plan, based on experience, to attain the best and most comprehensive service possible for the greatest number of listeners."

PROPOSED FINDING

The Federal Communications Commission has announced the adoption of proposed findings of fact proposing to grant the applications of WNBC, **New Britain, Conn.,** and KQV, **Pittsburgh,** both for modification of licenses to increase operating power on **1380 kilocycles;** WNBC from 250 watts night, 1000 watts LS, to 1000 watts unlimited time using a directional antenna; and KQV from 1000 watts day, 500 watts night, to 1000 watts unlimited time using a directional antenna at night and to change the phasing of the directional antenna.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, November 6. They are subject to change.

Tuesday, November 7

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.,** 250 watts, daytime.

Wednesday, November 8

Hearing To Be Held in Room No. 4, Twelfth Floor,
Post Office Building, Boston, Massachusetts

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.,** 500 watts, 1 KW LS, unlimited time (requests facilities of WAAB).

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), **1410 kc.,** 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

Thursday, November 9

Reargument Before a Quorum of the Commission

Report No. I-711:

F. W. Meyer, Denver, Colo.—C. P., **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—Granted C. P. for a new station to operate on **1200 kc.,** 250 watts, unlimited time.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted C. P. to make changes in equipment and increase power from 100 watts, unlimited, to 250 watts, unlimited time.

WLBJ—Bowling Green Broadcasting Co., Bowling Green, Ky.—Granted modification of C. P. approving studio and transmitter site at Cemetery Pike and Lehman Avenue; installation of new equipment and vertical radiator, and increase in night power from 100 to 250 watts.

KMO—KMO, Inc., Tacoma, Wash.—Granted voluntary assignment of license from KMO, Inc., to Carl E. Haymond.

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted amended application for C. P. for a new station to operate on **1370 kc.,** 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted amended application for C. P. authorizing move of transmitter site locally, installation of new equipment, and increase in power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted modification of license to increase night power from 100 watts to 250 watts.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted modification of license to change hours of operation from daytime to unlimited, using night power of 100 watts.

WOCB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of C. P. to increase night power from 100 to 250 watts.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Granted modification of license to increase night power from 100 to 250 watts.

WHBY—WHBY, Inc., Appleton, Wis.—Granted modification of license to increase night power from 100 to 250 watts.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted modification of license to increase night power from 100 to 250 watts.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of license to increase night power from 100 to 250 watts.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted modification of license to increase night power from 100 to 250 watts.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of license to increase night power from 100 to 250 watts.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted modification of license to increase night power from 100 to 250 watts.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted modification of license to increase night power from 100 to 250 watts.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted renewal of license to January 1, 1940, and application removed from hearing docket, since application of WBNY for the facilities of WSVS has been dismissed.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearings have not yet been set.

NEW—J. D. Falvey, Ottumwa, Iowa.—Application for C. P. for new station to operate on **1210 kc.,** 100 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Chilton Radio Corp., Dallas, Tex.—Application for C. P. for new station to operate on **1370 kc.,** 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval. (Applicant requests facilities of station KFJZ, Fort Worth, Tex.)

NEW—V. O. Stamps, Dallas, Tex.—Application for C. P. for new station to operate on **1370 kc.,** 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval. (Applicant requests facilities of station KFJZ, Fort Worth.)

NEW—Harold Thomas, Bridgeport, Conn.—Application for C. P., already in hearing docket, amended so as to request frequency **1420 kc.,** with 250 watts power, unlimited time. Exact studio and transmitter site and type of antenna to be determined with Commission's approval.

NEW—Ralph M. Lambeth, Greensboro, N. C.—Application for C. P. for new station to operate on **1370 kc.,** 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—E. E. Krebsbach, Miles City, Mont.—Application for C. P. for new station to operate on **1310 kc.,** 100 watts night, 250 watts day, unlimited time.

NEW—Star Printing Company, Miles City, Mont.—Application for C. P. for new station to operate on **1310 kc.,** 250 watts, unlimited time. Exact studio and transmitter site and type of antenna to be determined with Commission's approval.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDFN, Casper, Wyo.; KGER, Long Beach ,Calif.; KSLM, Salem, Ore.; WBBC (auxiliary), Brooklyn, N. Y.; WQBC, Vicksburg, Miss.

KIJG—Eagle Broadcasting Co., Inc., Portable-Mobile.—Present relay broadcast station license was further extended upon a temporary basis only pending determination upon application for renewal, for the period ending December 1, 1939.

WHK—United Broadcasting Co., Cleveland, Ohio.—Granted extension for period of one month, from November 1 to December 1, pending receipt and determination upon application for extension, of special experimental authorization to transmit facsimile signals from 1 to 6 a. m., EST, using 1 KW power.

MISCELLANEOUS

WSVA—Shenandoah Valley Broadcasting Corp., Harrisburg, Va.—Granted special temporary authority to operate additional time on November 10, 18, 30 and December 2, in order to broadcast football games only.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate simultaneously with station KGHI from 7:30 p. m., CST, to the conclusion of Jonesboro High School football games on November 2, 10 and 24, and University of Arkansas football games on November 4, 11, 17 and 30, from local sunset (November, 5 p. m., CST) to conclusion of game only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate additional time on October 28 in order to broadcast football game originating at Santa Clara.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on November 4, 11, 18, 25, December 2, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 a. m. to 10 a. m. and from 2 to 3 p. m., on November 5, 12, 19, 26 and December 3, in order to broadcast religious services, newscasts and musical programs; to operate unlimited time on November 7, 11, 30, December 1 and 2, in order to broadcast musical programs and newscasts.

WAAB—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast reception from a Navy plane flying over Boston and vicinity in order that conversation between the plane and ground may be broadcast generally for reception by the general public on October 27, in connection with Navy Day program.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 5:30 p. m., EST, until conclusion of Redskins football game only, on October 29, and to operate from 5 p. m. until conclusion of Redskins football games only, on November 5.

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Denied without prejudice motion for leave to intervene in the hearing on the application of Radio Voice of Springfield, Inc., for C. P., exceptions noted by counsel for petitioner.

WHA—State of Wisconsin, University of Wisconsin, Madison, Wis.—Granted petition requesting withdrawal of pending application for C. P. to change frequency and increase power, requesting facilities of WMAQ.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate additional time on November 5, 12, 19 and 26, in order to broadcast games of semi-pro series only.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Adopted an order deleting from the Commission's hearing notice in re application for a new station in Springfield, paragraph 2, which reads as follows: "To determine whether the granting of this application or the application of Springfield Radio Service, Inc., B2-P-2382, or both, will serve public interest, convenience and necessity."

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with station WEBQ from 8:30 p. m. to 10:30 p. m., CST, on October 27 and November 3 and 17, 1939, and from 7:30 p. m. to 9 p. m., CST, on October 28 and November 9, 1939, in order to broadcast football games only as described in letter dated October 18, 1939.

WPTF—WPTF Radio Company, Raleigh, N. C.—Denied extension of special temporary authority to operate from 11 p. m. to 12 p. m., EST, for the period beginning October 30, 1939, and ending in no event later than November 28, 1939, in order to broadcast programs as described in letter dated May 27, 1939, pending action on application.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate additional time simultaneously with station WFAS on November 23 and 30, 1939, in order to broadcast football games only.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate additional time simultaneously with station WGBF with reduced power of 250 watts, on November 1, 1939, in order to permit WGBF to broadcast a Soil Conservation Debate.

WGBF—Evansville on the Air, Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU as above in order to broadcast a Soil Conservation Debate only.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate additional time after local sunset for the period beginning November 1, 1939, and ending November 30, 1939, in order to broadcast late weather forecasts only.

WHPT—Radio Station WMFR, Inc. (High Point, N. C.), Portable-Mobile.—Granted license to cover C. P. for low frequency relay broadcast station WHPT, frequencies **1622, 2058, 2150** and **2790 kc.,** power 50 watts, to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); to be used with applicant's standard broadcast station WMFR.

WAIN—Peoria Broadcasting Co., Peoria, Ill., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1622, 2058, 2150** and **2790 kc.,** power 25 watts, to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); to be used with applicant's standard broadcast station WMBD.

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Granted license to cover C. P. for move of studio and transmitter sites and installation of new equipment.

WMAM—M & M Broadcasting Co., Marinette, Wis.—Granted license to cover C. P. for new station to operate on **570 kc.,** 250 watts, daytime only.

WEGV—The Champaign News-Gazette, Inc. (Champaign, Ill.), Portable-Mobile.—Granted license to cover C. P. to make changes in equipment.

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted modification of C. P. for approval of studio and transmitter site and installation of vertical radiator.

WHPT—Radio Station WMFR, Inc. (High Point, N. C.), Portable-Mobile.—Granted modification of C. P. to make changes in equipment.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.

WWNC—Asheville Citizen-Times Co., Inc., Asheville, N. C.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KIT—Carl E. Haymond, Yakima, Wash.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WAIJ—WIBX, Inc. (Utica, New York), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.;** power 50 watts; to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); to be used with applicant's Standard Broadcast Station WIBX.

WEGI—The Baltimore Radio Show, Inc., Baltimore, Md., Portable-Mobile.—Granted license to cover C. P. to make changes in equipment and increase power to 2 watts.

WEGJ—The Baltimore Radio Show, Inc., Baltimore, Md., Portable-Mobile.—Granted license to cover C. P. to make changes in equipment and increase power to 2 watts.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

W1XPW—WDRC, Inc., Meriden, Conn.—Granted special temporary authority to rebroadcast over high frequency broadcast station W1XPW the transmissions from high frequency broadcast station W2XMN, for a period not to exceed 30 days, in order to experiment as to the feasibility of such a system.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m., EST), to 5:15 p. m., EST, on November 4, 11, 18 and 25, in order to broadcast high school football games only.

WHKC—United Broadcasting Co., Columbus, Ohio.—Denied special temporary authority to operate from local sunset at Los Angeles (November, 7:45 p. m., EST), to 8 p. m., EST, on November 1, 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 27 and 29, in order to broadcast the "Lone Ranger".

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 5 to 5:15 p. m., EST, for the period November 1 to November 30, in order to broadcast news programs.

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Granted C. P. to install new equipment.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted license to cover C. P. for new station to operate on **1420 kc.,** 100 watts night, 250 watts day, unlimited time.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted modification of C. P. for approval of studio and transmitter site, changes in equipment and installation of vertical radiator.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted license to cover C. P. for new station to operate on **610 kc.,** 1 KW, unlimited time.

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—Denied petition for reconsideration and oral argument, in re application of Yuma Broadcasting Company, Yuma, Arizona, for a new station to operate on **1210 kc.,** 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on August 8, 1939, without hearing.

NEW—United Theatres, Inc., San Juan, P. R.—Denied petition for review of ruling by Commissioner presiding at motions docket, in which a petition of Enrique Abarca Sanfeliz, San Juan, was granted to reopen hearing in re application of United Theatres, Inc., and Enrique Abarca Sanfeliz, both for new stations in San Juan.

WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—The Commission, on its own motion extended the effective date of provision (3) of its order of December 6, 1938, 30 days from November 1, 1939. This order authorized WWRL to include in the operating time of its station the time previously utilized by station WMBQ, on which a further hearing has recently been held.

WRTD—The Times-Dispatch Radio Corp., Richmond, Va.; WRNL—Richmond Radio Corp., Richmond, Va.—Denied petitions of WRTD and WRNL to rehear or reconsider the application of WMBG, Havens & Martin, Inc., Richmond, Va., for C. P. to increase power on frequency **1350 kc.,** from 500 watts, unlimited time to 1 KW night, 5 KW day, unlimited time, which application was granted by the Commission on June 21, 1939.

WTMJ—The Journal Company, Milwaukee, Wis.; NEW—Sentinel Broadcasting Corp., Salina, N. Y.—Denied petitions of WTNJ and the Sentinel Broadcasting Corp. in so far as they request final action by the Commission on application of the Sentinel Broadcasting Corp. for a new station to operate on **620 kc.,** 1 KW, unlimited time, prior to the time pending applications for 5 KW power which are related thereto, become available for decision.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Denied petition for review of Commissioner Payne's action in denying leave of petitioner to intervene in the hearing on the application of Stuart Broadcasting Corp. (WROL), Knoxville, Tenn.; affirmed the action of Commissioner Payne, noting petitioner's exception to the order denying intervention.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.; WTMJ—The Journal Company, Milwaukee, Wis.; WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—Denied petitions in so far as they request final action on the application of WHJB for C. P. to move transmitter, install directional antenna for nighttime use, and increase power to 1 KW on **620 kc.**. prior to the time pending applications for 5 KW power, which are related thereto, become available for decision.

KUTA—Jack Powers, et al., d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Denied petition of KUTA appealing from the action taken by Commissioner Case presiding in motions hearing on June 30, 1939. granting motion of KDYL, Intermountain Broadcasting Corp., Salt Lake City, to amend the notice of hearing in re application of KUTA to change frequency and power, by adding issues relating to economic interests.

WEJI-WEJL—National Broadcasting Co., Inc., New York City, N. Y.—Granted special temporary authority to use RCA Victor Transmitters for operation under New York area licenses relay broadcast stations WEJI and WEJL respectively, as Public Address relay stations in feeding the public address system in the auditorium from points in the area not accessible to wireline service in connection with the National Horse Show to be held in Madison Square Garden for the period November 4 to 11.

WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate additional time on November 3 and 11, in order to broadcast football games only.

WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston Salem, N. C.—Denied special temporary authority to operate from 5:15 to 5:30 p. m., EST, on November 5, 12, 19 and 26, in order to broadcast The Musical Steel Makers program.

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied special temporary authority to operate from 10:45 to 11:15 p. m., LST, during the month of November, 1939, in order to serve the public interest, convenience and necessity.

C. T. Sherer Company, Inc., Worcester, Mass.—Granted petition of C. T. Sherer Co., Inc., for review of orders of September 11 and September 29, 1939, and the action of the Commissioner presiding at the Motions Docket on September 11, granting petition of Worcester County Broadcasting Corp. to intervene was vacated; the order of the Commissioner presiding in Motions Docket on September 29, denying the petition of the above-entitled applicant to reconsider and vacate the order granting such intervention, was vacated; the petition of intervention filed by Worcester County Broadcasting Corp. on August 17, was denied; and the following named pleadings and documents filed in the above-entitled proceeding by Worcester County Broadcasting Corp. was stricken from the record: (1) proposed findings of fact filed October 12, 1939; (2) motion to strike part of applicant's proposed findings filed October 17, 1939, and (3) motion to dismiss with prejudice filed October 19, 1939.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate additional time on November 2 in order to broadcast the Northport, McGill School game only.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining program to be received from International Broadcast stations WNBI and WRCA over station WNEL, for the period November 6 to December 5, 1939.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate additional time simultaneously with station KICA on November 29, in order to broadcast Roswell High School football game only.

APPLICATIONS FILED AT FCC

550 Kilocycles

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—C. P. to install new transmitter, new antenna, and increase power from 500 watts to 1 KW; move transmitter from 5 miles south of corporate limits, east of Valley Pike, Harrisonburg, Va., to site to be determined, Harrisonburg, Va.

KFYR—Meyer Broadcasting Co., Bismarck, N. Dak.—C. P. to install directional antenna for night use, and increase power from 1 KW, 5 KW LS, to 5 KW day and night.

570 Kilocycles

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

580 Kilocycles

WILL—University of Illinois, Urbana, Ill.—Authority to determine operating power by direct method.

890 Kilocycles

KARK—Arkansas Radio & Equipment Co., Inc., Little Rock, Ark.—C. P. to install new transmitter, increase power from 1 to 5 KW.

920 Kilocycles

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—C. P. to install new transmitter, increase power from 1 to 5 KW.

1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—License to cover C. P. (B5-P-1712) as modified for new transmitting equipment, directional antenna day and night use, increase power, and move of transmitter.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—License to cover C. P. (B1-MP-649) for new transmitter and increase in power.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

KFXD—Frank E. Hurt, Nampa, Idaho.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WDLP—Panama City Broadcasting Company, Panama City, Fla.—Modification of C. P. (B3-P-2213) for a new station, requesting approval of antenna and approval of studio and transmitter site at near Cove Hotel, Panama City, Fla.

WSAL—Frank M. Stearns, Salisbury, Md.—Voluntary assignment of license from Frank M. Stearns to Eastern Shore Broadcasting Co., Inc.

NEW—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—C. P. for a new broadcast station to be operated on **1200 kc.,** 250 watts, unlimited time.

KHBC—Honolulu Broadcasting Company, Ltd., Hilo, T. H.—Modification of license to change name of licensee to Hawaiian Broadcasting System, Ltd.

1210 Kilocycles

KANS—The KANS Broadcasting Co., Wichita, Kans.—Modification of C. P. (B4-P-2479) for changes in equipment and increase in power, requesting authority to make changes in type of transmitter, extend commencement and completion dates 90 days after grant and 90 days thereafter, respectively.

NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P. for new station on **1210 kc.,** 250 watts, unlimited time. Amended: To 100 watts night, 250 watts day.

WKOK—Sunbury Broadcasting Corporation, Sunbury, Pa.—C. P. to make changes in equipment, increase power from 100 watts to 250 watts day and night.

WGRM—P. K. Ewing, Greenwood, Miss.—License to cover C. P. (B3-P-2341) for move of studio and transmitter.

NEW—Dixie Broadcasting Corp., Gainesville, Ga.—C. P. for new station on **1210 kc.,** 250 watts power, unlimited time.

1250 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P. to install new transmitter; make changes in DA (use day and night); change frequency from **1250 kc.** to **630 kc.,** power from 1 KW to 1 KW, 5 KW LS; move transmitter to site near National City, Ill. Contingent on WGBF and KFRU. Amended to make changes in DA, request 5 KW power day and night, and give transmitter site as near Granite City, Ill.

WKST—Keystone Broadcasting Co., New Castle, Pa.—License to cover C. P. (B2-P-2428) as modified for equipmnet changes and increase in power.

1290 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct measurement.

1310 Kilocycles

WJPR—John R. Pepper, Greenville, Miss.—License to cover C. P. (B3-P-2312 and B3-MP-823) for new station.

WJPR—John R. Pepper, Greenville, Miss.—Authority to determine operating power by direct method.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—C. P. to change frequency, power, and hours of operation from **1500 kc.,** 100 watts power, daytime, to **1310 kc.,** 250 watts power, unlimited time, and make changes in equipment. Contingent on KFYO, B3-P-2455.

KHUB—John P. Scripps, Watsonville, Calif.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WLNH—Northern Broadcasting Company, Laconia, N. H.—License to cover C. P. (B1-P-2527) for changes in equipment and increase in power.

NEW—Leonard A. Versluis, Grand Rapids, Mich.—C. P. to erect new station to be operated on **1310 kc.,** 250 watts, unlimited time.

1320 Kilocycles

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Modification of license to change name of licensee to Hawaiian Broadcasting System, Ltd.

1330 Kilocycles

KRIS—Gulf Coast Broadcasting Company, Corpus Christi, Tex.—C. P. to install new transmitter and directional antenna; increase power from 500 watts to 5 KW. Amended to request changes in equipment, omit request for changes in antenna, and request 1 KW power.

1370 Kilocycles

KGFL—KGFL, Inc., Roswell, N. Mex.—Modification of license to change hours of operation from 6 a. m. to 1 p. m. and 4 p. m. to 7:30 p. m., MST, to 6 a. m. to 7:30 p. m., MST. Amended to change requested time from specified hours to unlimited time.

WLLH—Merrimac Broadcasting Company, Inc., Lawrence, Mass.—Extension of special experimental authority to operate a "satellite" station on **1370 kc.,** 10 to 100 watts power, unlimited time, to be operated in addition to WLLH in Lowell, Mass., for period ending 12-1-40, located at Gregg Bldg., Lawrence, Mass.

WCOS—Carolina Advertising Corp., Columbia, S. C.—License to cover C. P. (B3-P-1233) as modified for new broadcast station.

WISE—Harold H. Thoms, Asheville, N. C.—License to cover C. P. (B3-P-1066) as modified for a new station.

KVGB—Helen Townsley, Great Bend, Kans.—C. P. to make changes in equipment and increase power from 100 watts to 250 watts.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—License to cover C. P. (B4-P-2528) for changes in equipment and increase in power from 100 to 250 watts.

NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P. to erect a new station to be operated on **1370 kc.,** 250 watts, unlimited time.

1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—License to cover C. P. (B5-P-1892) as modified for equipment changes, and increase in power.

1420 Kilocycles

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—License to cover C. P. (B5-P-2492) for equipment changes and increase in power from 100 to 250 watts.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Modification of C. P. (B5-P-1967) as modified for a new station requesting extension of completion date from 11-20-39 to 12-20-39.

NEW—E. D. Rivers, Valdosta, Ga.—C. P. for a new station on **1420 kc.,** 100 watts, 250 watts LS, unlimited time.

WHMA—Harry M. Ayers, Anniston, Ala.—C. P. to make changes in equipment, and increase power from 100 to 250 watts day and night.

1430 Kilocycles

NEW—John P. Scripps, Ventura, Calif.—C. P. for a new broadcast station to be operated on **1430 kc.,** 1 KW, unlimited time.

1500 Kilocycles

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Modification of license to change hours of operation from day to unlimited time, using 250 watts power day and night.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Penna.—License to cover C. P. (B2-P-2391) for new transmitting equipment ,and antenna and move of transmitter.

WMEX—The Northern Corp., Boston, Mass.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Authority to determine operating power by direct measurement of antenna power.

1550 Kilocycles

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P. to install new transmitter, change frequency from **1500** to **1550 kc.**, increase power from 250 watts to 500 watts, 1 KW LS.

MISCELLANEOUS

NEW—Columbia Broadcasting System, Inc., New York, N. Y.—C. P. for new high frequency broadcast station located at Chrysler Bldg., 405 Lexington Ave., New York, N. Y., to be operated on **43000 kc.**, 50,000 watts, unlimited time, special emission.

W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of C. P. (B1-PHB-53) as modified for changes in transmitting equipment and extension of completion date from 12-15-39 to 90 days after date of grant.

W8XAD—WHEC, Inc., Rochester, N. Y.—Modification of C. P. (B1-PHB-81) for approval of transmitter site at 979 Mt. Read Blvd., Rochester, N. Y.

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, Georgetown, D. C.—License to cover C. P. (B1-PHB-45) as modified for new high frequency relay broadcast station.

WLWH—The Crosley Corp., Portable.—C. P. to install new transmitter.

WLWI—The Crosley Corp., Portable-Mobile.—C. P. to install new transmitter and increase in power from 5 to 15 watts.

WEHG—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of license to change authorized power from 1.5 watts to 2 watts, and make changes in equipment.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of license to change power from 1.5 to 2 watts, and make changes in equipment.

NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—C. P. for new relay broadcast station in area of WOR, Newark, N. J., on **31620, 35260, 37340, 39620 kc.**, 0.2 watt, A-3.

NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—C. P. for new relay broadcast station in area of WOR, Newark, N. J., on **31620, 35260, 37340, 39620 kc.**, 0.2 watt, A-3.

NEW—Westinghouse Electric & Manufacturing Co., area of KDKA, Pittsburgh, Pa.—C. P. for new relay broadcast station on **31220, 35620, 37020, 39260 kc.**, 2 watts, A-3.

NEW—Westinghouse Electric & Manufacturing Co., area of KDKA, Pittsburgh, Pa.—License to cover above.

NEW—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—C. P. for new relay broadcast station in area of WLAC, Nashville, Tenn., on **30820, 33740, 35820, 37980 kc.**, 2 watts, A-3 emission.

KAOV—KRIC, Inc., Beaumont, Tex.—License to cover C. P. (B3-PRY-192) for new low frequency relay station.

NEW—W. J. Holey, Atlanta, Ga.—C. P. for new high frequency relay station located at 1368 Northview Ave., N. E., Atlanta, Ga., on **43200 kc.**, 100 watts power, unlimited time, special emission.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of C. P. (B4-PHB-67) as modified requesting extension of completion date from 11-28-39 to 2-28-40.

NEW—R. B. Eaton, Des Moines, Iowa.—C. P. for new television station in Des Moines, Iowa, 100 watts power, A-3 and A-5 emission, **44000-50000 kc.** frequency. Amended re antenna, Section 29 and Costs.

WEGS—Donald A. Burton, Portable-Mobile.—License to cover C. P. (B4-PRE-291) for equipment changes.

WLWG—The Crosley Corporation, Portable.—C. P. to install new transmitter and increase power from 1 to 2 watts.

NEW—WBNS, Inc., Columbus, Ohio.—C. P. for new high frequency broadcast station to be located at 50 W. Broad St., Columbus, Ohio, to be operated on **43000 kc.**, using 250 watts power, unlimited time, and special emission.

NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa.—C. P. for new high frequency broadcast station to be located at 35 S. Ninth St., Philadelphia, Pa., to be operated on **43400 kc.**, 1 KW power, unlimited time, special emission.

W9XUI—University of Iowa, Iowa City, Iowa.—Modification of license to request change in frequencies to **50000-56000 kc.**, and increase power from 100 to 250 watts. Amended to omit request for increase in power.

KBQA—Winona Radio Service (M. H. White and R. H. Wiecking, d/b as), area Winona, Minn.—License to cover C. P. (B4-PRY-183) for new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Embalmers' Supply Company—A complaint has been issued charging the Embalmers' Supply Company, Westport, Conn., with misleading representations in the sale of embalming fluids and chemicals.

This company manufactures "San-Veino Spray." In connection with the sale of the preparation it allegedly advertised directly and by inference that the U. S. War Department or Army or their chemists originated, developed and perfected the formula used for exhumation purposes on the battlefields of France in 1917 and 1918; that the formula from which the respondent now produces its "San-Veino Spray" made possible the work of exhuming bodies of American soldiers buried in France without spread of infection and diseases, and that the Government gave the respondent the official and exclusive right to use that formula, when such are not the facts.

The true facts are, according to the complaint, that the War Department used the fluid made from the formula now held by the respondent only for experimental purposes in connection with the work of exhuming bodies of American soldiers buried in France and that the formula was neither originated nor developed by the War Department, the Army or their chemists. (3936)

Frontier Asthma Company, Inc.—A complaint has been issued alleging misleading advertisement of a medicinal preparation for treating asthma and hay fever sold by Frontier Asthma Company, Inc., 462 Niagara St., Buffalo, N. Y.

In addition to the Frontier Asthma Company, Inc., the complaint also names as respondents, G. E. Calkins and Guy White, officers, and George H. Calkins and his associates, Ernest N. Post, Harry I. Partridge, William Stanton, B. F. Van Duzee and C. P. Bonham.

Advertisements allegedly asserted that the respondents' product is a cure or remedy for asthma and hay fever and that its use will prevent attacks of those diseases, relieve the suffering incident thereto, build up the system and prevent recurrence of attacks. The complaint charges that these representations are untrue and that the respondents' preparation has no therapeutic value other than providing temporary relief from the paroxysms of asthma and bronchial irritations.

The respondents' advertisements allegedly were false in that they failed to reveal to purchasers that use of the preparations under prescribed or customary conditions may be injurious to health in some cases.

According to the complaint, the individual respondents and the Frontier Asthma Company, Inc., cooperatively advertised the respondents' preparations in various publications, offering free samples. The respondent company allegedly did not send free samples but forwarded the replies to the advertisements to George

H. Calkins and his associates, who then got in touch with the senders of the replies. It is alleged that after purported diagnoses had been made from answers submitted by such prospective customers to a questionnaire furnished by the respondents, Calkins and his associates forwarded the free samples to the customers and recommended use of the Frontier Asthma Company's preparation. (3955)

Michigan Bean Shippers Association—Restraint of trade in the purchase and sale of beans and other farm commodities by members of the Michigan Bean Shippers Association, Saginaw, Mich., is alleged in a complaint against that association, its officers, directors and members.

Through their association, the members are alleged to have combined and conspired to restrain competition through practices such as control of the prices at which they buy and sell, coercing Michigan buyers and sellers of farm commodities to adhere to their program, and preventing the growth of certain new methods of marketing.

Among their customers are large canners, processors, chain store systems and foreign importers. The members allegedly constitute a majority of the elevator men and jobbers buying and selling beans, barley, wheat and other farm commodities in Michigan, which produces 80 per cent of the national navy bean output.

The respondents are alleged to have fixed and maintained by agreement the differentials or "margins" to be received by elevator men for their function of buying farm commodities from producers and reselling them to jobbers and the differentials to be received by jobbers between the price paid by them to elevator men and the price at which the jobbers sold to the trade. This procedure, in connection with the maintenance of "association closes", allegedly foreclosed all opportunity for price competition by elevator men.

It is alleged that the respondents adopted a rule under which they agreed not to deal in "scoop-shoveled" products, that is, commodities handled by a dealer not equipped with the proper buildings and machinery for cleaning beans and grain as they come from farmers' vehicles prior to weighing. This rule allegedly was designed to discourage the use of a portable picker and grader introduced on the market in 1931, a consequence of which was a tendency to injure the elevator operators' business. Theretofore, it is alleged, farmers customarily had brought their commodities to the local elevators for sale, partly because the elevators maintained the only equipment available for the grading and picking process required for the sale of beans.

Among other alleged cooperative activities of the association and its members were the fixing and maintaining of schedules of charges for removing foreign and defective materials from farm commodities at the elevators; refusal to transport farm commodities free of charge from the producers to elevators or shipping points; fixing and maintaining uniform charges for elevator and warehouse storage; maintaining uniform schedules of charges for drying farm commodities in accordance with an established moisture and test weight table; establishing uniform contracts, terms and sale conditions and attempting to coerce others to use such, and maintenance of uniform price quotations for beans with Alma, Mich., as a basing point. (3937)

STIPULATIONS

The Commission has entered into the following stipulations:

Midland Chemical Laboratories, Inc., Dubuque, Iowa, stipulated that it would cease representing that its insecticide "Mill-O-Cide" is effective in destroying all insects, eggs and larvae of insects, or that it is of double strength, and will prevent or eliminate infestation in foodstuffs and keep bugs and insects away from foodstuffs and places where they are stored. (02455)

Quaker Oats Company, Chicago, Ill., in its stipulation, agreed to cease representing that its "Ful-O-Pep" feeding plan for poultry assures more and better chicks, and that the "Ful-O-Pep" mashes or chick starter constitutes the best way of combating and preventing gizzard lesions. The respondent company also stipulated that it would discontinue advertising that "Ful-O-Pep" feeds are the most profitable to use or to sell, or that they will enable prospective purchasers to obtain more eggs, more or better chicks, or more big, sound-shelled premium eggs, unless the comparatives are clearly and specifically stated in direct connection with such claims. (02454)

Wallerstein Company, Inc.—A stipulation approved in February, in which the Wallerstein Company, Inc., 180 Madison Ave., New York, agreed to discontinue certain misleading representations concerning its product "Bosco", a syrup for use as a milk supplement and as a flavor, has been vacated.

The original stipulation related that the Wallerstein company had agreed to discontinue, among others, the representation that its product "has been approved by the American Medical Association or that its use will make milk a perfect food," when, according to information later received by the Commission, such a representation was not published by the Wallerstein company at any time.

In place of the vacated stipulation the Commission has accepted and approved a substitute stipulation which does not contain the above quoted statement but which, in all other respects, is the same as the original stipulation. (02329)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Diesel Power-United Engineering Schools—Prohibiting misleading representations in the sale of correspondence courses in Diesel engines, air conditioning and refrigeration, an order has been issued to cease and desist against Roy Hemphill, trading as Diesel Power-United Engineering Schools, San Francisco, and two corporations of which he was president, namely, Diesel Power-United Engineering Schools, Inc., Minneapolis, and Diesel Power-United Engineering Schools, Kansas City, Mo.

The order forbids representations that the respondents' schools occupy a dominant position in their fields; that their courses qualify a student for any position requiring a degree of skill or technical knowledge greater than that required of a mechanic; that there is a great demand for graduates of the respondents' schools, and that the respondents procure employment for students and graduates, unless such is a fact.

Under the order, the respondents were also barred from representing, through use of the word "engineering" or words of similar meaning, that their courses qualified students as engineers. Findings of the Commission are that the respondents, subsequent to issuance of complaint against them, eliminated the word "engineering" from their trade and corporate names. (3318)

Arthur Longfield, 419 East 22nd St., New York, has been ordered to cease and desist from representing, through the use of containers, labels or wrappers, that a Worcestershire sauce manufactured and distributed by him, is the same as the century-old Lea & Perrins Worcestershire Sauce.

The Commission, in its findings, relates the history of the condiment originally prepared "From the recipe of a nobleman in the country", who was said to be Sir Marcus Sandys, who brought the recipe home from India to his native Worcestershire County. It was acquired by John Wheeley Lea and William Perrins, chemists, who began the manufacture of the sauce in 1835. Lea & Perrins, Ltd., an English corporation, now control its manufacture. It also is manufactured in the United States. (3823)

Petersime Incubator Company, Gettysburg, Ohio, has been ordered to discontinue misleading representations in the sale of "Petersime Electro-Thermo Bath", a device for applying dry heat to the body.

Under the order, the respondent is to cease disseminating advertisements which represent, directly or through implication, that use of its device provides a way to better health and a cure or remedy for rheumatism, arthritis, sciatica, gout, kidney trouble, nervousness, high blood pressure, colds and other ailments.

Other representations to be discontinued are that use of the respondent's cabinet will have any direct influence on basal metabolism or will dispose of poisons that cannot be eliminated by normal body processes, or will lessen or increase body weight, unless such representation is limited to a statement that its employment may effect a temporary loss of weight. (3883)

J. Rose & Company—Jack Rosenfeld, trading as J. Rose & Co., 2316 Locust St., St. Louis, was ordered to discontinue the use of lottery schemes in the sale and distribution of candy to ultimate consumers. Under the order, the respondent was prohibited from supplying others with lottery devices for use in the sale of candy or other merchandise, and from selling any merchandise by the use of such devices. (3212)

FCC Assignments For November

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF November
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner George Henry Payne
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner Frederick I. Thompson
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Thad H. Brown
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Paul A. Walker
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Norman A. Case
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner T. A. M. Craven
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (*a*) all applications for operator licenses, and (*b*) all applications for amateur and ship stations.	**Secretary** **T. J. Slowie**
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (*a*) operation without an approved frequency monitor; (*b*) operation without an approved modulation monitor; (*c*) operation without thermometer in automatic temperature control chamber; (*d*) operation without antenna ammeter, plate voltmeter or plate ammeter; (*e*) operation with substitute ammeter, plate voltmeter or plate ammeter; (*f*) operation with temporary antenna system; (*g*) operation with auxiliary transmitter as main transmitter; (*h*) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (*i*) where formal application is not required, application for new or modified equipment or antenna system; (*j*) where formal application is not required, change of specifications for painting and lighting of antenna towers; (*k*) operation to determine power by direct method during program test periods; (*l*) relocation of transmitter in the same building; (*m*) operation with reduced power or time under Rules 142 and 151; (*n*) approval of types of equipment; (*o*) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (*p*) denial of requests for equipment and program tests where specifications of construction permit have not been met; (*q*) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (*r*) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (*s*) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*t*) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (*u*) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett

NAB Reports
The National Association of Broadcasters
1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 45, November 10, 1939

Code Developments

The NAB Board joined Neville Miller last week in expressing appreciation of John Shepard III's action with regard to Father Coughlin programs on The Colonial Network.

Making a considerable financial sacrifice, Mr. Shepard notified the Board in Chicago that stations owned by The Yankee Network would offer to carry the Coughlin programs on a sustaining basis and that other stations in the network could follow the same course.

In the event that Father Coughlin refused to accept free time, Mr. Shepard said, he would turn over to charity the difference between the payments to stations owned by The Yankee Network and necessary expenses.

"I want to express to you my appreciation for your kindness in coming to Chicago, and also my most sincere appreciation for the splendid way in which you cooperated with us in straightening out what I believe was a very serious problem in connection with the Code," Mr. Miller said to Mr. Shepard.

"I know what it meant to you, and all on the Board admire your action greatly, and we all owe you a real debt of gratitude."

Mr. Miller emphasized that both the Board and he were equally appreciative of the financial sacrifices other stations had made in complying with the Code.

Mr. Shepard issued the following statement:

> "The Colonial Network agrees that based on the decision of the Board of Directors of the National Association of Broadcasters, on all programs carried by it for Social Justice Magazine or for The Reverend Charles E. Coughlin, it, as a network, will make no profit, unless such programs have to do with a political campaign, and are thus in full compliance with the NAB Code. The three stations of The Colonial Network, which are owned by The Yankee Network, namely: WAAB, WEAN and WICC will not make any charge to The Colonial Network for carrying these programs.
>
> "The Colonial Network wants to make it clear, however, that they may either refuse to charge the client for these programs, or in case the client insists on making payment for them, The Colonial Network will carry out this obligation by giving to charity the difference between its actual expenses, as specified further on, and thus complies with the NAB Code.
>
> "The expenses above referred to would be the wire line from New York City to Boston, any Government or State taxes, which had to be paid on the revenue, which The Colonial Network accepted, provided the amount paid to charity was not entirely

(Continued on page 3822)

CODE DEVELOPMENTS

(Continued from page 3821)

deductible, also any payment which might be paid to affiliated stations, who did not agree to carry the programs free of charge.

"The affiliated stations of the network have the option since we have offered this program on a commercial basis, to refuse to carry it sustaining, in which case we would feel privileged to pay them on the regular network Commercial basis, which would be deducted from the amount which we would give to charity, or charge the client these amounts after he accepted our proposition to carry the program on a sustaining basis.

"It might also be necessary that we recognize the fifteen per cent payment to the agency. Or in other words, if the program is not carried on a strictly sustaining basis at the request of the client, everything, less the actual expenses outlined above will then be given to charity."

Catholic Praises Code

Monsignor John A. Ryan, director, department of social action, National Catholic Welfare Conference, Washington, D. C., has expressed unqualified approval of the code.

Support from this quarter will be registered in every section of the country, however remote, for the National Catholic Welfare Conference has a definite interest in such matters as the code. It is a common agency, acting under the bishops, to promote the welfare of the Catholics of the United States. Monsignor Ryan's department is specifically concerned with the field of industrial relations, international affairs, civic education, social welfare, family life and rural life. His statement of approval follows:

"In my opinion, the general objectives of the Code adopted by the National Association of Broadcasters are very useful and entirely fair. This is true even of the provisions which bar controversial addresses on commercial time. After all, radio facilities differ from newspaper facilities; the former are necessarily limited, while the latter are practically unlimited. Therefore, the amount of facilities accorded to those individuals or groups that have the money to pay for them, raises the question of substantial monopoly. One man or one group might get control of so much radio time as to deprive many of their fellow citizens of opportunities for addresses that are not controversial. Hence the situation has to be regulated in some way. The regulations issued by the National Association of Broadcasters seem to be as beneficial and just to all groups as are practically obtainable."

Protestant Church Tribute

High praise for the Code was included in an address by Dr. Samuel M. Cavert, general secretary of the Federal Council of Churches of Christ in America, prepared for delivery on the NBC Blue Network on November 10.

Dr. Cavert referred in his opening remarks to the study of radio furnished by the Federal Council of Churches last year under the title "Broadcast and the Public." He said that this report especially stressed the need for standards of social responsibility on the part of radio and that the Code recently adopted by the National Association of Broadcasters "had gone a long way" in establishing for itself those standards.

"Freedom," said Dr. Cavert, "and its preservation is one of the greatest problems of our civilization. The first thing a dictator tries to do is to seize the control of radio for his own propaganda. If radio can be kept responsible to democratic processes we have a powerful bulwark against undemocratic tendencies."

Dr. Cavert said it was his conviction that the new broadcast code had found the right answer to the problem. Access to the air, Dr. Cavert went on to say, is one thing. In this Code it is assured to both sides of every important question regardless of their "relative monetary backing."

However, continued Dr. Cavert, the listeners have rights as well as the speakers.

"Indeed," he said, "the rights of the listener are paramount for without the goodwill of the listening public the radio industry cannot be successful."

Dr. Cavert explained that somebody must take the responsibility of securing a just and equitable distribution of the time as between the advocates of divergent positions.

"What the radio industry has done," said Dr. Cavert, "is to chart a wise course of self-regulation in the handling of not only controversial questions but also of news childrens' programs, educational broadcasts, and advertising."

In conclusion Dr. Cavert paid a high tribute to radio in its handling of religious broadcasts.

"It is a distinctive achievement of radio," Said Dr. Cavert, "that it has been able to provide for a religious interpretation of life to a way that is spiritually unifying rather than divisive. The new Code effectively safeguards this achievement and therefore deserves the gratitude of all who are conceived for the highest welfare of America."

CIO Trouble in Akron

An inevitable clash between the industry and the CIO on the controversial issues section of the Code broke out in Akron, Ohio, when station WJW cancelled its contract with the United Rubber Workers of America, CIO, for a 15 minute weekly program called "The Voice of Labor."

S. H. Dalrymple, president of the Rubber Workers union, protested to the FCC, claiming the station was destroying freedom of speech.

With Joseph L. Miller, NAB Labor Relations Director, assisting, Mrs. Edythe Fern Melrose, WJW Manager, attempted to arrange a regular labor forum program as a substitute for "The Voice of Labor." One such program was put on the air, with the Code itself up for discussion. Both Mrs. Melrose and Mr. Miller, speaking for the industry, pointed out the merits of the forum type of program and how the Code would work for the benefit of such groups as labor unions in the long run. But the union officials maintained it was a "gigantic conspiracy" between "big business" and the broadcasting industry to throttle freedom of speech and insisted they had the right to buy time to sell unionism just as an automobile manufacturer bought time to sell cars.

Mrs. Melrose then decided to continue "The Voice of Labor" until the present contract expired.

On November 7, T. J. Slowie, Secretary of the FCC, sent the following highly significant letter to Mr. Dalrymple:

November 7, 1939.

United Rubber Workers of America
503 United Building
Akron, Ohio

Attention: S. H. Dalrymple, President

Gentlemen:

This will reply to your letter dated October 28, 1939, in which you protest against the action of Station WJW in cancelling a contract for broadcast time with your Council and stating that it would not permit further broadcasts of the "Voice of Labor."

The adoption of the Code of Ethics by the National Association of Broadcasters does not in any way alter the duties and responsibilities of licensees of radio broadcast stations under existing law and rules and regulations of the Commission. However, Section 3(h) of the Communications Act of 1934 as amended, provides that persons engaged in radio broadcasting shall not be deemed common carriers, and licensees of broadcast stations may, therefore, legally refuse to sell time to any particular individual or organization. In view of this fact, the Commission is without power under existing legislation to take any action against Station WJW on the basis of the facts alleged in your letter.

Very truly yours,

(S) T. J. Slowie,
Secretary.

Edgar Bill Broadcast

As Edgar Bill, chairman of the NAB audience relations committee, and President of WMBD, sees it, every listener has the right to hear both sides of any controversial question raised in a broadcast.

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And the only way a broadcaster can make sure his listeners get this right is to assume such responsibility by giving time and inviting speakers to his studio who will present opposing points of view.

These were among the ideas contained in Mr. Bill's talk before a nation-wide audience over CBS, Sunday afternoon, November 5, from Peoria.

He explained that he did not come to the microphone to defend the code, only to discuss it, for once its provisions are fully understood, opposition vanishes.

An exception, he noted, was among individuals and groups that, unlike ordinary listeners, are motivated by their understanding of "how tremendously the power of radio to influence public opinion has grown."

For the most part these people have ideas to sell, many of which he suggested have selfish motives behind them.

"We must remember," he said, "that radio is just as powerful in selling hatred as it is in selling good-will. With this in mind, think how important it is that both sides of a controversy, not just the side with money, but both sides, be given equal time to present their ideas to you listeners.

"Radio is the forum platform of America. It is far ahead of any other medium in providing a great audience to hear discussions of important questions. This is a fine thing when both sides are equally represented. It is a mighty dangerous thing when the radio audience gets the chance to hear only one side."

After quoting the exact wording of the controversial public issues section, he restated it for the benefit of his listeners as follows: "The sentences of the code mean that every broadcaster who belongs to the National Association of Broadcasters is to give time free for the discussion of important public questions. He is pledged to allot time fairly to both sides, or possibly to all sides, of a controversy. And he is pledged not to sell time for such discussions, because the minute he does, he can no longer allot time fairly to all."

That the code method of alloting time for the discussion of controversial issues had already proven itself, is in accord with the record, Mr. Bill said.

When the Supreme Court battle was rocking the country, his count showed that 42 speakers received free time over CBS to present opinions, pro and con. The division was 21 and 21.

More recently, when the question of embargo repeal dominated the news and private conversations, CBS, alone, provided free time for eighteen talks for repeal and twenty against repeal. Three were non-partisan.

At his own station, Mr. Bill has pursued the policy of giving free time for controversial discussions for the past two years. In actual practice he said:

"Far from curbing freedom of speech, we have learned that this policy promotes freedom of speech. It also brings more persons to the microphone, whatever their views may be. It gives the listener a chance to hear both sides of every question and then puts upon him the responsibility of making up his own mind."

At this point he effectively disposed of the allegation that stations cannot afford to give away time for controversial discussion, and that, as a consequence, freedom of speech would be curbed.

"Of course, that is not true," he stated. "For years radio stations have been giving free time for public service. During the European crisis of last September, stations all over the country cleared their commercial programs schedules day after day to broadcast special European news.

"Does the American public need to be reminded of the service performed by radio stations during disasters such as the Ohio Valley and New England floods? Networks and stations have given time freely for the discussions of such questions as the arms embargo repeal. This network alone as I told you, gave almost ten hours on that subject. I have mentioned only a few instances in which broadcasters found public service more important than making money. There are many more, certainly enough to prove that the radio industry can, as a public service, afford to give rather than sell time for the discussion of public controversial issues."

Board Action

The NAB Board of Directors meeting in Chicago last week, sustained the interpretations of its Code Compliance Committee in a resolution which expressed "its gratitude and its full approval of the findings of the Committee, which the Board believes will be of lasting benefit to the industry and to the American listening public."

The Code Compliance Committee is responsible for the administration of the new NAB Code which became effective October 1, last.

At the same time, the Board stated that contracts for the sale of time for the discussion of public controversial issues executied prior to October 1, 1939, although in temporary conflict with the code, may be continued to expiration date, or at the discretion of the station manager, may be terminated at an earlier date in conformity with the terms of the contract.

WEST, NEW DIRECTOR

The resignation of Gene Dyer as Director from the Ninth District was presented to the Board of Directors at the meeting held in Chicago last week. Mr. Dyer resigned on account of ill health.

The Board elected William H. West, WTMV, East St. Louis, Illinois, to fill the unexpired term of Mr. Dyer. Mr. West is a veteran in radio activities. He is an engineer and has had considerable experience in station management. At one time he was manager of KMOX, St. Louis, and is now the owner and station manager of WTMV, which is an independent station having no network affiliation.

FREE OFFERS

Member stations last week reported the following free offers received:

Carl Byoir & Associates, Inc.
Child Play Association

Byoir is offering a series of scripts entitled "Keeping Ahead Of The Joneses" which promotes American industry, the American way, etc. The Child Play Association offers a series of scripts describing new toys for Christmas.

Following its usual procedure, the NAB Bureau of Radio Advertising has advised the Child Play Association that station acceptance of its free offer constitutes violation of the NAB Code of Ethics. Acceptance of the Carl Byoir programs merely means that stations leave themselves open to a barrage of requests from opposing philosophies for an equal amount of time in which to answer the views of business.

COST-PER-INQUIRY

The Bureau of Radio Advertising has investigated the recent request of the Sterling Insurance Company, Chicago, for radio advertising on an apparent cost-per-inquiry basis. In replying, this company disclaims any such purpose or intention. The Bureau in its reply has suggested to the Sterling Insurance Company that they revise their form letter to stations to avoid the current widespread misunderstanding resulting from their original request, making it clear that they do not seek to place business on a percentage basis.

R. J. WASMUND

E. C. Reineke, WDAY, Fargo, N. D., joins Don Searle, KOIL, Omaha, in wanting to know the whereabouts of one R. J. Wasmund.

MILLER AT CONFERENCE

Neville Miller represented the broadcasting industry at the Conference on Inter-American Relations in the Field of Education, held here November 9-10 under the direction of the State Department.

WLW APPEAL DENIED

United States Supreme Court this week refused to review the "super-power" case of Station WLW, Cincinnati.

The Federal Communications Commission rendered an opinion on February 6 of this year denying the station's application for an extension of a special temporary experimental authorization to operate on 700 kilocycles with 500,000 watts, unlimited hours.

The station filed a petition for rehearing by the Commission. The Commission denied the rehearing and the station filed an appeal in the Court of Appeals of the District of Columbia. That court upheld the Commission's decision in returning the station to its regular power of 50,000 watts. An appeal was then filed in the United States Supreme Court.

FCC WORLD SERIES INQUIRY

T. J. Slowie, secretary of the FCC has sent questionnaires to all broadcasters on behalf of the Monopoly Committee of the Commission requesting information to be answered by November 15 regarding World Series baseball broadcasts. The information requested included:

(1) Were the World Series baseball games of October, 1939, broadcast over your station?

(2) If such broadcasts were presented over your station, state (a) the substance of any arrangement or agreement by which such programs were made available to you, and (b) whether any attempt was made by any person or organization to influence or persuade you against broadcasting the programs.

(3) If broadcasts of the World Series were not presented over your station, state (a) whether the programs were offered to you but refused by you because of an agreement with a network or other organization; (b) whether you were influenced by other persons or organizations to refuse the programs, or were prevented from accepting them; and (c) whether an attempt was made by you to obtain the programs, and if so, why you were unable to make arrangements to obtain the same.

This information should be reported briefly but in sufficient detail to present the actual facts in the matter to the Committee.

It is requested that replies be made in time for receipt in the Commission not later than November 15, 1939.

MORE POWER FOR RELAYS

The FCC this week issued the following statement regarding the revision of Section 4.25(b) of rules other than broadcast dealing with increased power for relay broadcast stations so that the section will read as follows:

"A relay broadcast station assigned frequencies in Groups D, E, F and G will not be authorized to install equipment or licensed for an output power in excess of 100 watts; provided that before using any frequency in these groups with a power in excess of 25 watts, tests shall be made by the licensee to insure that no objectionable interference will result to the service of any government station, and provided, further, that if the use of any frequency may cause interference then the power shall be reduced to 25 watts or another frequency in the licensed group selected which will not cause objectionable interference."

This increase in allowable power is desirable in order that a more dependable service may be obtained from relay broadcast stations operating on these frequencies.

FCC ALTERS ADMINISTRATION

The Federal Communications Commission has just issued its Administrative Order No. 2 effective December 1, changing the routine duties of members of the Commission.

The Order creates a Board to be known as "The Administrative Board" to handle the routine functions formerly in the hands of individual commissioners. The Board is composed of the General Counsel of the Commission, Chief Engineer, Chief Accountant and the Secretary.

The new Order is as follows:

Under the authority of the Communications Act of 1934, as amended, It is Ordered, That Administrative Order No. 2, adopted July 12, 1939, as amended, be and the same is hereby further amended to provide as follows:

It Is Ordered: That there be and there is hereby assigned and referred to the respective boards and individual Commissioners hereinafter designated, for action thereon, that portion of the work, business or functions of the Federal Communications Commission hereinafter specified:

(1) (a) The Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act, upon:

- (a) all applications for operator licenses or renewals thereof; and
- (b) all applications for amateur and ship stations or renewals thereof; and
- (c) all applications for aircraft station licenses or renewals thereof where the applicant is or has been the holder of a station license within the preceding year;

(b) The Secretary of the Commission is hereby designated to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) The Chief Engineer of the Commission is hereby designated to determine and act upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary of the Commission in the following matters:

- (a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment;
  - (1) operation without an approved frequency monitor;
  - (2) operation without an approved modulation monitor;
  - (3) operation without thermometer in automatic temperature control chamber;
  - (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  - (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  - (6) operation with temporary antenna system;

(7) operation with auxiliary transmitter as main transmitter;

(b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;

(c) where formal application is not required, application for new or modified equipment or antenna system;

(d) change of specifications for painting and lighting antenna towers where formal application is not required;

(e) operation to determine power by direct method during program test period;

(f) relocation of transmitter in same building;

(g) operation with reduced power or time under Sections 3.57 and 3.71;

(h) approval of types of equipment as to compliance with outstanding rules and standards;

(i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;

(j) denial of requests for equipment and program tests where specifications of construction permit have not been met;

(k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;

(l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;

(m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);

(n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location;

(3) The Chief Accountant of the Commission is hereby designated to determine, order, certify, report or otherwise act upon:

(a) administration, interpretation and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;

(b) application for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;

(c) administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of standard broadcast stations and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports.

(d) all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act, and in connection with the administration of this section in so far as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof;

and, where appropriate in carrying out the foregoing, to make orders in letter form for the signature of the Secretary of the Commission.

(4) A Board, to be called "The Administrative Board," consisting of the General Counsel, Chief Engineer, Chief Accountant, and Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act upon the following matters; *provided,* however, that said Board may act in such matters only in accordance with established policies of the Commission; *provided further* that three members of said Board shall constitute a quorum:

(a) all applications for the Coastal, Coastal Harbor, Coastal Telephone, Marine Relay, Aviation, Emergency, and Miscellaneous services, except those falling under paragraphs (1), (2), and (3) of this Order;

(b) upon all radio matters of every character (except broadcast, and cases falling under paragraphs (1), (2) and (3) of this Order) within the Territory of Alaska;

(c) upon all applications for experimental authorizations except: Class II experimental stations to authorize experimentation directed toward the establishment of new services;

(d) upon all broadcast service applications as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site not involving any substantial change in service area; and applications for relay broadcast stations;

(e) upon all applications or requests for special temporary authorization other than those falling under paragraphs (1), (2), (3) or (5) of this Order;

(f) all applications or requests for emergency and renewal exemptions from the provisions of Section 352(b) of the Act;

(g) upon all uncontested proceedings involved in:

  (1) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;

  (2) applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication, (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission, or the establishment of a new type of service;

(h) upon requests for inspection of records under the provisions of Section 1.5(c) of the Commission's Rules of Practice and Procedure;

Actions taken by the Board shall be reported in writing each week to the Commission at its regular meeting.

(5) All applications or requests for special temporary standard broadcast authorizations shall be referred to the Administrative Board which shall make appropriate recommendation thereon and refer the same to a Commissioner to be named by subsequent supplements to this Order, who is hereby designated to determine, order, report or otherwise act upon all such applications or requests in accordance with established policies of the Commission.

(6) A Commissioner, to be named by subsequent supplements to this Order, is hereby designated to hear and determine, order, certify, report or otherwise act upon:

(a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure;

(b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

(7) Any party affected by any order, decision, or report of any individual, board, or individual Commissioner, to whom authority is delegated under the provisions hereof, may file a petition for rehearing, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, before the Commission, and every such petition shall be passed upon by the Commission.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has granted in a final order the application of the Nebraska Broadcasting Corporation for the construction of a new station at **Fremont, Nebraska,** to operate on **1370 kilocycles,** 250 watts day, 100 watts night, unlimited hours of operation. The final order follows a proposed finding of fact issued by the Commission on October 3.

The Commission has adopted its finding of fact and issued an order granting the application of KRRV, **Sherman, Texas,** authorizing it to move its transmitter site, install new equipment, including a directional antenna for operation of the station on **880 kilocycles,** unlimited time, 1000 watts. The station now operates on **1310 kilocycles,** 250 watts, daytime only.

A final order has been issued by the Commission granting the application of Orville W. Lyerla for a new broadcast station to be erected at **Herrin, Illinois,** to operate on **1310 kilocycles,** 100 watts night, 250 watts LS, unlimited time. In this same case also the Commission "denied without prejudice to their right to make further application to use frequency **1370 kilocycles,** or other appropriate wavelength, the applications of the Harrisburg Broadcasting Company (WEBQ), **Harrisburg, Illinois,** and of Oscar C. Hirsch, tr/as Hirsch Battery and Radio Company (KFVS), **Cape Girardeau, Missouri,** for modification of licenses. (WEBQ requested change in frequency from **1210** to **1310 kilocycles,** and KFVS requested authority to operate unlimited time on **1210 kilocycles** instead of sharing with Station WEBQ.)"

The Commission has adopted a final order denying the application of WMFF, **Plattsburg, New York,** to install new transmitter, make changes in its antenna system, change its transmitter site, and operate on **1240 kilocycles,** 1000 watts, employing a directional antenna at night. The station now operates on **1310 kilocycles,** 100 watts night, 250 watts day, unlimited time.

The Commission also has issued a final order granting the application of WSUI, **Iowa City, Iowa,** to increase its power to 1000 watts night, 5000 watts day, unlimited time, to install new equipment and to move the transmitter to a new site locally, employing a directional antenna both day and night.

A final order has been adopted by the Commission denying the application of the Thumb Broadcasting Company for permission to construct a new station at **Brown City, Michigan,** to use **880 kilocycles,** with 1000 watts power, daytime only.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, November 13.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

December 1

Hearing Before Paul A. Walker, Commissioner,

To Be Held in Grand Jury Room No. 212, U. S. Court House, Phoenix, Arizona

KUMA—Albert H. Schermann, Yuma, Ariz.—Hearing upon Order of Revocation of License of Station KUMA.

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz. —C. P., **1420 kc.,** 100 watts, specified hours.

December 4

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., **620 kc.,** 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.,** 100 watts, 250 watts LS, unlimited time.

January 8

Further Hearing

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.,** 1 KW, unlimited time. Present assignment: **1120 kc.,** 100 watts, daytime.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.,** 250 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator, increase night power from 100 to 250 watts. Exact transmitter site and type of antenna to be determined subject to Commission's approval.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.

WGTM—WGTM, Inc., Wilson, N. C.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted C. P. to install new equipment and increase day power from 1 KW to 5 KW.

WCNC—Albemarle Broadcasting Co., Hickory, N. C.—Granted license to cover C. P. authorizing new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WCNC—Albemarle Broadcasting Co., Hickory, N. C.—Granted modification of license to increase night power from 100 to 250 watts.

WFLA—Florida West Coast Broadcasting Company, Inc., Tampa, Fla.—Granted authority to transfer control of corporation from the Florida West Coast Broadcasting Company, Inc., to The Tribune Company. (This involves the transfer from Fred J. Lee to the Tribune Company of 10 shares, or 10 per cent, of the 100 shares of outstanding no-par value common stock of the Florida West Coast Broadcasting Co., Inc., for the consideration of $6800.00.)

WHBU—Leo M. Kennett, Anderson, Ind.—Granted transfer of control of Anderson Broadcasting Corp., licensee of WHBU, to Roy E. Blossom and Leo M. Kennett.

KTBC—State Capitol Broadcasting Assn., Austin, Tex.—Granted voluntary assignment of license from State Capitol Broadcasting Association (R. B. Anderson, President), to State Capitol Broadcasting Association, Inc.

WIS—Station WIS, Inc. (Assignor), Columbia, S. C.—Granted voluntary assignment of license from Station WIS, Inc., to The Liberty Life Insurance Company.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted modification of license to increase night power from 100 to 250 watts.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Granted modification of license to increase night power from 100 to 250 watts.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Granted modification of license to increase night power from 100 to 250 watts.

KHUB—John P. Scripps, Watsonville, Calif.—Granted modification of license to increase night power from 100 to 250 watts.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Granted modification of C. P. to increase night power from 100 to 250 watts, and extend commencement date to 60 days after grant, completion date to 180 days thereafter.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KBND, Bend, Ore.; KELO, Sioux Falls, S. Dak.; KFVS, Cape Girardeau, Mo.; KPPC, Pasadena, Calif.; KRMD, Shreveport, La.; KROY, Sacramento, Calif.; KSRO, Santa Rosa, Calif.; KVEC, San Luis Obispo, Calif.; KXRO, Aberdeen, Wash.; WALR, Zanesville, Ohio; WBOW, Terre Haute, Ind.; WCOL, Columbus, Ohio; WCPO, Cincinnati, Ohio; WEBQ, Harrisburg, Ill.; WFAM, South Bend, Ind.; WGH, Newport News, Va.; WIBX, Utica, N. Y.; WJBC, Bloomington, Ill.; WKOK, Sunbury, Pa.; WLAK, Lakeland, Fla.; WLVA, Lynchburg, Va.; WMFG, Hibbing, Minn.; WPAX, Thomasville, Ga.; WTEL, Philadelphia, Pa.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted renewal of license for the period ending August 1, 1940.

The following relay stations were granted renewal of licenses for the regular period: WEGA, WEGB, WEGC, area of Chicago; WEGE, area of Lexington, Ky.; WEGK, area of Newark; KEGG, area of Portland, Ore.; WEGP, area of Reading, Pa.; WEGR, WEGS, area of Muncie, Ind.; KEGH, KEGI, area of Fort Worth, Texas; WEGT, area of Syracuse, N. Y.; WEGU, WEGV, area of Champaign, Ill.; KEGJ, KEGK, area of Los Angeles; WEHH, area of New York City; WEHI, area of Charlotte, N. C.; WEHJ, area of Chicago; WEHO, WEHN, area of Detroit; WEHQ, area of Toledo; WEID, area of Harrisburg, Ill.; WEIE, area of Richmond, Va.; WFIF, area of Lawrence, Mass.; WEIH, WEII, area of Indianapolis, Ind.; KEIE, area of Kansas City, Mo.; KEIG, area of Fort Worth, Tex.; KEII, area of Denver, Colo.; WEIR, area of Pittsburgh; KEIN, area of Walla Walla, Wash.; WEIV, area of Lynchburg, Va.; WEIY, area of Miami, Fla.; WEKB, area of East St. Louis, Ill.; KEJA, KEJB, KEJK, area of San Francisco; WEJF, WEJG, area of Cleveland, Ohio; WEJM, area of Chicago; WEOM, area of Aurora, Ill.; WEKD, area of Syracuse, N. Y.; WEKE, area of Syracuse; KEIY, area of Portland, Ore.; WEKH, WEKI, area of Peoria, Ill.; KEJN, area of Tacoma, Wash.; KEGV, area of Wichita, Kans.; WEHZ, WEKL, WEKM, area of Reading, Pa.; WEKN, area of Rockford, Ill.; KEHF, area of El Paso, Texas; WELB, WELC, area of Louisville, Ky.; WELF, WELG, area of Philadelphia; KEHJ, KEHK, area of Fargo, N. Dak.; WELQ, WELU, area of Tuscola, Ill.; WELV, area of Wheeling, W. Va.; WEMA, WEMB, area of Boston; WEMN, area of Philadelphia; WEMO, area of Pittsburgh; WEMQ, area of Boston; WEMS, area of Pittsburgh, Pa.; WEMT, area of Fort Wayne; WEIJ, area of Indianapolis; WEMU, WEMV, WEMW, area of Cleveland, Ohio; WENL, area of Columbia, S. C.; WENE, area of Lansing, Mich.; WENI, WENJ, area of Akron, WENN, WENO, area of Raleigh, N. C.; WENP, WENQ, WENS, area of Charlotte, N. C.

MISCELLANEOUS

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 1 p. m. to 3 p. m., EST, on November 23, 1939, in order to broadcast a football game and also other programs of appropriate holiday character (provided WOSU remains silent).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 5 p. m., November 7, to 3 a. m., PST, November 8, 1939, in order to broadcast election returns to the Merced area.

WAHA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate a relay broadcast station in connection with station KDKA, consisting of an R.C.A. Model RB-2 2-watt pack transmitter on relay frequencies in Group E, on November 25, 1939, in connection with the Carnegie Tech football game; program to be carried over network of NBC.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., over station WJBY, for the period beginning 3 a. m., EST, December 1, 1939, and ending not later than 3 a. m., EST, on October 1, 1940.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate a portable MOPA 100-watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency **1140 kc.**, in the vicinity of Portland, Oregon, for the making of transmitter site tests, during daytime, for the period October 31, 1939, to November 9, 1939.

Robert L. Cotton, representing 40 employees of WINS.—Denied petition for leave to intervene and of intervention in the hearing scheduled for November 27, in re application of Hearst Radio, Inc., to assign license of WINS to Metropolitan Broadcasting Corp.

Broadcast Technicians and Engineers Local No. 913 of the International Brotherhood of Electrical Workers.—Denied petition for leave to intervene and of intervention in the hearing scheduled for November 27, in re application of Hearst Radio, Inc., to assign license of WINS to Metropolitan Broadcasting Corp.

Richard T. Sampson, Riverside, Calif.—Denied petition and request to amend application for new station to change frequency from **1390 kc.** to **1420 kc.**, 250 watts, daytime only, to 250 watts, unlimited, with leave to withdraw application without prejudice.

Roy James Murray, La Crosse, Wis.—Granted motion to accept appearance filed late in re application for new station.

Colonial Broadcasters, Inc., Savannah, Ga.—Granted petition to dismiss application, *with* prejudice. Exceptions noted by counsel for petitioner.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for postponement of further hearing approximately thirty days from November 7, new date to be fixed by office of the Secretary. KFIO requests C. P. to change frequency from **1120 kc.** to **950 kc.**, power from 100 watts to 1 KW, and time of operation from daytime to unlimited.

Lakeland Broadcasting Co., Willmar, Minn.—Granted motion for continuance of hearing on application for new station to operate on **680 kc.**, 250 watts, daytime, from November 7, for approximately 60 days, new date to be fixed by office of Secretary.

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Company, San Antonio, Tex.—Granted motion for indefinite continuance of hearing on application for C. P. to change frequency, power, and time of operation from November 14, new date to be fixed by the office of the Secretary.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted petition to intervene in the application of the Broadcasting Corp. of America, for a new station in Riverside, Calif.

KPRC—Houston Printing Co., Houston, Tex.—Granted petition to intervene in the hearing on the application of KMAC, referred to above.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate additional time on November 11 and 17, 1939, in order to broadcast football games only.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4 p. m. to 5 p. m., CST, on December 6, 13, 20, 27, 1939, in order to broadcast children's services; to operate from 7:30 p. m. to 8:30 p. m. and from 11 p. m. to 12 midnight on December 3, 10, 17, 24 and 31, 1939, in order to broadcast gospel services.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate additional time on November 3, 1939, in order to broadcast football game only.

KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10:25 a. m. to 11 a. m., MST, on Tuesdays and Thursdays for a period not to exceed 30 days, in order to broadcast public school programs of an educational, musical, and dramatic class.

WAHA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate a relay broadcast station in connection with Station KDKA, consisting of an R.C.A. Model RB-2 2-watt pack transmitter on relay frequencies in Group E on November 3, 1939, in connection with a historical celebration known as "Allegheny Up-Rising"; program to be carried over network of NBC. Equipment to be tested on November 2, in order to line up necessary circuits for proposed broadcast.

WAHA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate a relay broadcast station in connection with Station KDKA, consisting of an R.C.A. Model RB-2 2-watt pack transmitter on relay frequencies in Group E on November 4 and 5, 1939, in connection with the dedication of the new KDKA transmitter site at Allison Park in Pittsburgh; program to be carried over network of NBC.

KDNT—Harwell V. Shepart, Denton, Texas.—Granted special temporary authority to operate additional time on November 3, 10, 17, 18, 24, and 30, 1939, in order to broadcast football games only.

WSAL—Frank M. Stearns, Salisbury, Md.—Denied special temporary authority to operate from local sunset (November 4:45 p. m., EST) to 6:30 p. m. on November 23, 1939, instead of November 30, 1939, as authorized by grant on October 21, 1939, in order to broadcast a football game only.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted special temporary authority to operate unlimited time on November 13, 1939, in order to broadcast Red Cross Program as described in letter dated October 24, 1939.

Samuel M. Emison, Vincennes, Ind.—Granted motion for continuance of hearing scheduled for November 2, to a date after February 1, 1940, on application for a new station to operate on **1420 kc.**, 100 watts, unlimited time.

W1XOY—The Yankee Network, Inc., Sargents Purchase, N. H.—Granted extension of special temporary authority to continue the operation of experimental radio station W1XOY on the frequency **41000 kc.**, with 500 watts power, pending frequency shift to **39460 kc.** as authorized by renewal of license issued September 29, 1939, this authority to continue from November 6, 1939, until further order of the Commission but not beyond December 6, 1939, and is subject to the condition that no interference is caused to Government radio stations.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m., CST) to the conclusion of Purdue University football games on November 4 and 25, 1939, in order to broadcast football games only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts only from local sunset (November, 4:30 p. m., CST) to 10 p. m., CST, on November 3 and 10, 1939, in order to broadcast football games; to operate from 7 p. m. to 9 p. m., CST, on November 6, 1939, in order to broadcast Community Chest program.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (November, 4:15 p. m., PST) to the conclusion of the Gonzaga University v. Portland University football game on November 26, 1939, in order to broadcast football game only and to operate an additional ten minutes after the close of the game in order to broadcast United Press Service News.

KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 1 a. m. to 3 a. m., CST, with power of 1000 watts on December 9, 1939, in connection with a DX program.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate additional time on November 11, 18, and 23, 1939, in order to broadcast football games only.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time on November 10, 1939, in order to broadcast football game only; to operate from 5 p. m. to 12 midnight CST, on November 11, 1939, in order to broadcast dedication ceremonies of the new Atchison City Hall.

W1XOV—The Yankee Network, Inc., Quincy, Mass.—Granted extension of special temporary authority to continue operation of experimental station W1XOV on frequency **27100 kc.**, with 200 watts power, pending frequency shift to **30660 kc.** as authorized by renewal of license issued September 29, 1939; authority to continue from November 6, 1939, until further order of the Commission, but not beyond December 6, 1939, and is subject to condition that no interference is caused to Government radio stations.

KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10 p. m., MST, to the conclusion of football games on November 4 and 18,, 1939, in order to broadcast football games only.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Granted license to cover C. P. authorizing changes in equipment.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 KW to 5 KW.

KVFD—Northwest Broadcasting Co., Fort Dodge, Ia.—Granted modification of C. P. approving studio and transmitter sites, installation of vertical radiator and new equipment.

Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted C. P. for new high frequency relay broadcast station: frequencies **33380, 35020, 37620** and **39820 kc.**, 2 watts. To be used with applicant's broadcast station WABC-WBOQ.

Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted C. P. for new high frequency relay broadcast station; frequencies **33380, 35020, 37620** and **39820 kc.**, 2 watts. To be used with applicant's broadcast station WABC-WBOQ.

WSAV—WSAV, Inc., Savannah, Ga.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.

WDEL—WDEL, Inc., Wilmington, Del.—Granted license to cover C. P. authorizing new equipment and increase in daytime power from 500 watts to 1 KW.

WWSW—Walker & Downing Radio, Corp., Pittsburgh, Pa.—Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.

KAAD—Tarrant Broadcasting Co., Portable-Mobile, Fort Worth, Texas.—Granted license to operate equipment of low frequency relay broadcast station KAAD, formerly licensed to Fort Worth Broadcasters, Inc., which corporation's standard broadcast station has been deleted; frequencies **1622, 2058, 2150** and **2790 kc.**, 40 watts.

WGNY—Courier Publishing Corp., Newburg, N. Y.—Granted special temporary authority to broadcast electrical transcriptions and live talent to fill intermissions on sustaining basis only, between election return broadcasts on November 7 as authorized by grant of October 21.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from local sunset (November, 4:30 p. m. and December, 4:15 p. m., EST) to 5:30 p. m., EST, with power of 250 watts, for the period November 7 to December 6, in order to broadcast outstanding local, civic, educational, etc., programs.

Richard T. Sampson, Riverside, Cal.—Continued without date, the hearing on application for new station scheduled for November 13.

KEGT—Tarrant Broadcasting Co., Portable-Mobile (area of Fort Worth, Texas).—Granted license to operate equipment of high frequency relay broadcast station KEGT, formerly licensed to Forth Worth Broadcasters, Inc., which corporation's standard broadcast station has been deleted. Frequencies **30820, 33740, 35820** and **37980 kc.**, 2 watts.

WBIG—North Carolina Broadcasting Co. Inc., Greensboro, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

KTSW—Emporia Broadcasting Co. Inc., Emporia, Kans.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 watts to 250 watts.

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—Granted license to cover C. P. authorizing change in transmitter site, installation of new equipment and vertical radiator, and increase in day power from 1 KW to 5 KW, employing directional antenna system for day and nighttime operation.

Edwin A. Kraft, Portable-Mobile, Juneau, Alaska.—Granted C. P. for new low frequency relay broadcast station, to be used to relay programs where wire facilities are not available to be broadcast over applicant's standard broadcast station KINY. Frequencies **1622, 2058, 2150** and **2790 kc.**, 50 watts.

WSMB—WSMB, Inc., New Orleans, La.—Granted special authority to operate during daytime hours with directive array to facilitate and expedite final adjustment and securing measured radials for proof of performance report, for a period not to exceed 30 days, in accordance with C. P. granted June 20.

L. & M. Broadcasting Co., Ottumwa, Ia.—Denied petition for rehearing and intervention in the matter of the application of KGLO, Mason City Globe Gazette Co., Mason City, Iowa, for C. P. to increase night power from 100 to 250 watts, which was granted by the Commission without a hearing on September 26, 1939.

KGB—Don Lee Broadcasting System, Los Angeles, Cal.; KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.; KFSD—Airfan Radio Corp., Ltd., San Diego, Cal.—Dismissed petitions of KGB and KDB to reconsider Commission action of July 20, 1939, wherein it granted Worcester Broadcasting Corporation permission to file its application for C. P. and incorporate the record in Dockets 5381 and 5378, and to strike said application; or in the alternative that incorporated record in said dockets be striken; and two petitions of KFSD requesting Commission to reconsider said action, and to designate the material, pertinent and relevant portions of said record which should be considered in connection wtih said application and include in such designation certain specified portions of said record.

E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.; KUMA—Albert H. Schermann, Yuma, Arizona.—The Commission postponed the hearing now scheduled for November 15, until December 1, said hearing to be held before Commissioner Walker in the city of Phoenix, Arizona. This matter involves the revocation of license of KUMA, and an application for C. P. by the Silver Crest Theatres applying for the facilities of KUMA.

WOL—American Broadcasting Co.. Washington, D. C.—Denied petition of WOL to modify final order and amend findings and conclusions in re application of Lawrence Heller for a new station in Washington, so as to delete the words "without prejudice", appearing in paragraph 5 of said proposed findings, and at the end of paragraph 4 of the Commission's order of October 18, 1939.

WJBW—Charles C. Carlson, New Orleans, La.—Granted petition requesting reconsideration of action of October 25, 1939, in designating for hearing the application of WJBW for modification of license to change operating time from specified hours to unlimited on frequency **1200 kc.**, and granted application without a hearing.

KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 3:45 to 5 p. m., CST, on November 8, in order to broadcast an address by R. C. Pollock, National Livestock and Meat Board; from 2 to 3:15 p. m., CST, on Nov. 9, in order to broadcast talk by Dr. E. C. Stakman, Plant Pathologist, and from 7:30 to 9:30 p. m., CST; November 9, in order to broadcast program in connection with banquet honoring Eminent Farmers and Homemakers; from 2 to 4:45 p. m., CST, on November 11, in order to broadcast S. D. S. C. v. Morningside football game.

WMAN—M & M Broadcasting Co., Marinette, Wis.—Granted special temporary authority to operate additional time on November 11, in order to broadcast football games only.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of construction permit, on the frequency **43000 kc.**, with power not to exceed 2 KW, for the period November 16 to December 15, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 foot mast.

Canadian Broadcasting Corp., Ottawa, Canada.—Granted special temporary authority to operate microphones and pick-up equipment at Blaine, Washington, for picking up programs concerning American-Canadian ceremonies at International Peace Arch for transmission by Pacific Tel. and Telg. Co. lines from Blaine, Wash., to Bellingham, Wash., and to Vancouver, B. C. on November 11, 1939.

WNYC—City of New York Municipal Broadcasting System, New York City.—Granted special temporary authority to broadcast comments on election returns, live or recorded fill-in music, and other sustaining programs during the time authorized for election returns broadcasts on November 7.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army radio station, operating on Army frequencies aboard a bomber while on a Good-Will Flight to South America and return for the period November 9 to November 26; program material to be fed to the National Broadcasting Company network via affiliated station WIOD.

WSUI—The State University of Iowa, Iowa City, Iowa.—Entered final order (No. B-79) effective November 9, 1939, granting application for construction permit to increase power from 500 watts night, 1 KW, local sunset, to 1 KW night, 5 KW day, unlimited time; to install new equipment and move transmitter to a new site locally, employing a directional antenna both day and night, subject to proof of performance in accordance with Sec. 3.33(b) of the rules governing standard broadcast stations.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate with directional antenna during daylight hours for the period beginning November 8, 1939, and ending in no event later than November 14, 1939, in order to facilitate establishing proof of performance.

APPLICATIONS FILED AT FCC

560 Kilocycles

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to install new transmitter and increase power from 1 to 5 KW.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to make changes in directional antenna. Amended re antenna.

770 Kilocycles

WJAG—Norfolk Daily News, Norfolk, Nebr.—Modification of license to change frequency from **1060 kc.** to **770 kc.**, change hours of operation from limited to WBAL and WTIC to limited to WBBM.

880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—License to cover construction permit B5-P-1536 as modified for a new station.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Authority to determine operating power by direct method.

940 Kilocycles

WICA—WICA. Inc., Ashtabula, Ohio.—License to cover C. P. (B2-P-2316) as modified for new equipment and increase in power.

1060 Kilocycles

WJAG—The Norfolk Daily News, Norfolk, Nebr.—Construction permit to change frequency from **1060 kc.** to **770 kc.**, time from limited to WBAL and WTIC to limited to WBBM, and make changes in antenna system, requesting facilities of KFAB.

1120 Kilocycles

KTBC—State Capitol Broadcasting Association, R. B. Anderson, President, Austin, Tex.—Modification of license to change specified hours of operation on Sundays only from 6 a. m. to 8:30 a. m. and 9:30 a. m. to local sunset, *to* 6 a. m. to 9 a. m. and 10 a. m. to local sunset (facilities of WTAW).

WCOP—Massachusetts Broadcasting Corporation, Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

NEW—West Virginia Newspaper Publishing Co., Morgantown, W. Va.—Construction permit for a new broadcast station to be operated on **1200 kc.,** 250 watts power, unlimited time.

WOLS—O. Lee Stone, Florence, S. C.—License to cover C. P. (B3-P-2474) for equipment changes and increase in power.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Construction permit for equipment changes and increase in power from 100 to 250 watts.

WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Authority to install automatic frequency control apparatus.

1230 Kilocycles

WFBM—WFBM, Inc., Indianapolis, Ind.—Authority to determine operating power by direct method.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW. Amended by B1-ML-656 to request 500 watts, 1 KW LS power, unlimited time. Request facilities of WCAM and WCAP.

1310 Kilocycles

WDAH—Tri-State Broadcasting Company, Inc., El Paso, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KPDN—R. C. Hoiles, Pampa, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Community Broadcasting Corporation, Middletown, N. Y.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts power, unlimited hours of operation.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—License to cover C. P. (B5-P-2430) for antenna changes and move.

KWOC—A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Construction permit for equipment changes; increase power from 100 to 250 watts; move studio from 214 Poplar St. to N. Main at city limits, Poplar Bluff, Mo.; change hours of operation from daytime to unlimited.

1370 Kilocycles

WRAK—WRAK, Inc., Williamsport, Pa.—Authority to determine operating power by direct measurement of antenna power.

WBTH—Williamson Broadcasting Corporation, Williamson, W. Va.—License to cover construction permit (B2-P-2494) for changes in equipment, increase in power, and changes in hours of operation.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to transfer control of corporation from Chester A. Thompson to the Brush-Moore Newspapers, Inc., 125 shares common stock.

1400 Kilocycles

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—License to cover C. P. (B1-P-2254) as modified for equipment and antenna changes and move of transmitter.

1420 Kilocycles

WSLI—Standard Life Insurance Co. of the South, Jackson, Miss.—Voluntary assignment of license from Standard Life Insurance Co. of the South to Standard Life Broadcasting Co.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Construction permit to install new transmitter and increase power from 100 to 250 watts.

KTRI—Sioux City Broadcasting Company, Sioux City, Iowa.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast Station, Eugene, Ore.—License to cover C. P. (B5-P-2518) for equipment changes and increase in power.

1430 Kilocycles

WBNS—WBNS, Inc., Columbus, Ohio.—Authority to determine operating power by direct method.

1450 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement.

1500 Kilocycles

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Modification of construction permit (B-P-1970) as modified for a new station, requesting authority to move transmitter 1 mile (same address) and extend commencement date 60 days after grant and completion date 180 days thereafter.

WNLC—Thames Broadcasting Corp., New London, Conn.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

NEW—A. Harry Zoog, Vineland, N. J.—Construction permit for a new broadcast station on **1500 kc.,** 250 watts power, unlimited time. (Sections 21, 22, 23 and 24 not answered.)

MISCELLANEOUS

NEW—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), area of WSAY, Rochester, N. Y.—Construction permit for new relay broadcast station, area of WSAY, Rochester, N. Y., on **1646, 2090, 2190, 2830 kc.,** 50 watts, A-3.

WLWA—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequency band from **1606, 2022, 2102, 2758 kc.** to **1622, 2058, 2150, 2790 kc.**

WLWB—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequency band from **1622, 2058, 2150** and **2790 kc.** to **1606, 2022, 2102, 2758 kc.**

NEW—The WGAR Broadcasting Co., area of WGAR, Cleveland, Ohio.—Construction permit for new relay broadcast station to be operated on **132260, 134080, 135480** and **135760 kc.,** 100 watts, A-3.

WLWC—The Crosley Corporation, Portable-Mobile.—Modification of license for order relay station using 25 watts for relaying programs and orders concerning such programs, and on **33740 kc.,** 50 watts, for transmission orders only.

KEIA—Honolulu Broadcasting Company, Ltd., Honolulu, T. H.—Modification of license to change corporate name to Hawaiian Broadcasting System, Ltd.

NEW—WJHL, Inc., Johnson City, Tenn.—Construction permit for new relay broadcast station located in area of WJHL, Johnson City, Tenn., on **1622, 2058, 2150** and **2790 kc.,** 40 watts, A-3.

WEIK—WFBM, Inc., area of Marion County, Ind.—Modification of license for order relay station using 25 watts for relaying programs and orders concerning such programs and on **31220 kc.,** 40 watts, for transmission orders only.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new high frequency broadcast station at Wilshire Blvd., at Fairfax Ave., Los Angeles, Calif., on **43000 kc.,** 1 KW power, unlimited time, and special emission for frequency modulation.

WBAN—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to correct description of transmitting equipment and add A-1 emission.

WBAM—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to correct description of transmitting equipment and add A-1.

WBAQ—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to correct description of transmitting equipment.

WBAO—Bamberger Broadcasting Service, Inc., area of New Jersey.—Modification of license to correct description of transmitting equipment.

WEGN—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Modification of license to correct description of transmitting equipment.

WEGK—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Modification of license to correct description of transmitting equipment.

WJHL—WJHL, Inc., Johnson City, Tenn.—C. P. for new relay broadcast station on **1622, 2058, 2150, 2790 kc.**, located in area of WJHL, Johnson City, Tenn., 40 watts, A-3. (Sections 4, 5, 6, 12c, 16, 25 and Jurat.)

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW day and night. (Request of attorney, superseded by C. P. application.)

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to increase power to 100 watts.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power to 100 watts.

WMVB—Miami Valley Broadcasting Corp., area Dayton, Ohio.—License to cover construction permit (B2-PRY-173) for new relay broadcast station on **1622, 2058, 2150** and **2790 kc.**, 18 watts, A-3 emission.

NEW—University of Kentucky, Beattyville, Ky.—Construction permit for new non-commercial educational broadcast station to be located in high school building, Beattyville, Ky., on **41900 kc.**, 100 watts, A-3 emission.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to utilize equipment of W2XDR (licensed to Radio Pictures, Inc.). Amended: To request reduction in power from 1 KW to 500 watts.

W2XBT—National Broadcasting Co., Inc., area of New York City.—Modification of license to change frequency from **92000** and **175000-180000 kc.** to **156000-162000 kc.**

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to increase power to 100 watts.

NEW—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43,000 kc.**, 1 KW power, unlimited time, special emission. Amended: To give transmitter site as site to be determined, Syracuse, New York.

WENK—WLEU Broadcasting Corp., vicinity of Erie City, Pa.—Construction permit to install new transmitter.

WENK—WLEU Broadcasting Corp., vicinity of Erie City, Pa.—License to cover above.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—License to cover C. P. (B1-P-2481) for move of transmitter. (Wrong form.)

WAXD—The Birmingham News Co., Birmingham, Ala.—License to reinstate station.

KEIT—Midland Broadcasting Co., Portable-Mobile.—Construction permit to make changes in transmitting equipment.

W2XR—Radio Pictures, Inc., Long Island City. N. Y.—Modification of license to utilize equipment of W2XDR (licensed to Radio Pictures, Inc.). (Section 5.)

W9XAP—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license to increase power to 100 watts.

KIIQ—KMTR Radio Corp., area Los Angeles, Calif.—Construction permit for reinstatement of station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Adwell Sales Company—See Lee-Moore & Company.

Ajax Tire & Rubber Corporation, 601 West 26th St., New York, engaged in the sale and distribution of automobile tires and tubes, is charged in a complaint with misrepresentation of the number of plies in automobile tires distributed by it, and also, by means of fictitious price lists and other advertising material of the values and retail prices of its tires and tubes.

It is an established custom of automobile tire manufacturers, the complaint points out, to place on the side walls of tires and on the tire wrappings, marks indicating the number of plies contained in the tires. The purchasing public is familiar with this practice, the complaint continues, and relies upon the figures and marks in purchasing tires, having no other way of knowing the actual number of plies.

In the course and conduct of its business the respondent corporation is charged with making false and misleading representations such as "Ajax—The World's Premier Tire—Since 1904," and "Cleated 6 Six—Cleated 8 Eight." The respondent allegedly has also caused to be placed on the wrappings enclosing its tires and on the side walls of the tires certain marks, brands, numbers and insignia which purport to represent and indicate that six and eight plies respectively are used in the construction of such tires.

The complaint alleges that these representations are untrue, that the tires do not contain 6 and 8 plies respectively, but contain a substantially smaller number of plies, and that the respondent's tires and tubes have been on the market only since 1934. It is also alleged that fictitious price lists and other advertising material representing that the values and retail prices of tires and tubes are much greater than actually is the fact, are distributed to retail dealers, placing in the hands of unscrupulous dealers a means to mislead the purchasing public as to the regular values and retail prices of the tires and tubes. (3942)

Eastern Herb Company—"Chinese Herbs" will not purify the blood and rid the system of impurities is charged in a complaint issued against T. F. Hee, trading as The Eastern Herb Company, 1156 Seventh St., San Diego, Calif.

In advertisements in newspapers and periodicals, the complaint charges, the respondent claimed that "Chinese herbs—tested by centuries of actual use in China" were a competent and effective treatment for rheumatism, stomach and heart trouble, high blood pressure, weak lungs, kidney trouble, constipation, and blood disorders.

The complaint avers that the herbs are not a cure or remedy for, or a competent or effective treatment for, the ailments mentioned, and that they do not possess any substantial therapeutic properties of any nature. (3942)

Empire Monument Company—Misleading representation in the sale of imitation marble and granite tombstones and monuments is alleged in a complaint against Charles J. McClennon and Lillie M. McClennon, trading as Empire Monument Company, 108 East Rock Springs Road, N. E., Atlanta.

Advertising their products as "Marble Durastone" and "Granite Durastone," the respondents are alleged to have misleadingly represented them as being genuine natural marble or granite, when, according to the complaint, they are made from cement and other ingredients and are known as cast stone or artificial stone.

The respondents allegedly advertised that their monuments and tombstones would not fade, crumble or deteriorate, and are impervious to extreme heat or cold and to dampness or dryness, and have withstood engineering tests; that the prices at which their stones are advertised are much less than the usual prices, and that a footstone is given free with each order for a tombstone or monument, when such are not the facts. (3939)

Indian River Medicine Company, La Follette, Tenn., is charged in a complaint with making grossly exaggerated, misleading and untrue representations of the efficacy of "Scalf's Indian River Tonic," which it manufactures and distributes as a "natural vegetable compound" and "Nature's Own Health Builder."

By means of radio broadcasts and through advertisements in newspapers and periodicals, the complaint charges, the respondent has represented that its product will prevent and cure colds, build up resistance to other minor ailments, is a cure for rheumatism, a competent and effective treatment for removing the causes of sleeplessness, nervousness, indigestion, gas pressure, and aches and pains in the head and joints, is a cure for ailments of the liver, kidneys and stomach, will improve the appetite, increase weight, restore strength and build up the general health of users, has a substantial value in the treatment of asthma, affords a positive relief from chronic ailments, and is composed of natural vegetable ingredients. (3940)

Lee-Moore & Company—Alleging the sale of push cards and punch board lottery devices to dealers for their use in selling their merchandise to ultimate consumers, a complaint has been issued against Morton Cohen, trading as Lee-Moore & Co., and Adwell Sales Co., 180 West Adams St., Chicago. The complaint also charges the respondent with selling novelty articles by means of lottery devices. Among such articles are radios, knives, cigar lighters, fountain pens, cameras, rings and fishing tackle. (3938)

Maple Lawn Hatchery—See Maple Lawn Poultry Farm.

Maple Lawn Poultry Farm—Roy T. Ehrenzeller, trading as Maple Lawn Poultry Farm and as Maple Lawn Hatchery, McAlisterville, Pa., is charged in a complaint issued by the Federal Trade Commission with misrepresentations in the sale of baby chicks.

Among representations which the complaint charges were disseminated in advertisements in newspapers, trade magazines and other publications, the respondent alleged "Bloodtesting means the testing of a sample of blood from an individual bird to find out whether or not the bird is a carrier of pullorum disease (B.W.D.). This is one of the most dreaded and destructive of baby chick diseases. It is transmitted to the chick through the egg. The only sure way to prevent it is to eliminate from the flock every breeder which shows through bloodtesting that it is a reactor to pullorum disease" . . . "Every breeder, male and female, used for Maple Lawn Hatchery, is bloodtested annually and any reactors are immediately removed." (3941)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Brunswick Worsted Mills, Inc.—A Connecticut manufacturer of worsteds and other woolen fabrics and its sales agent, a New York firm, have been served with an order requiring them to cease and desist from misleading representations in the sale of their products to manufacturers of men's suits and other merchandise.

Respondents are Brunswick Worsted Mills, Inc., of Moosup, Conn., and George O. Leckie and Henry C. Haskell, trading as Leckie & Haskell, 257 Fourth Ave., New York. The Commission found that prior to June, 1938, they sold certain worsted and other products or fabrics manufactured by Brunswick from a mixture of fibers consisting of 80 per cent wool and 20 per cent rayon, without disclosing by tags, labels, advertising, or in sales promotional descriptions, that those products contained rayon in substantial amount.

The findings point out that rayon, when so mixed with wool, is indistinguishable by manufacturers and the public for a wholly wool product or fabric.

Sale of fabrics composed partly of wool and rayon without full and non-deceptive disclosure of the fiber content, is prohibited, under the order, which requires that there be stated the true names of the fibers in the order of predominance by weight and the percentages of the fibers present. The order provides, however, that it shall not be necessary to state the percentage of rayon or fiber other than wool, if such other fiber is used exclusively for decorative purposes and is plainly visible as a decoration, and is not more than 5 per cent of the whole fabric or product by weight. (3880)

Kirk Medicine Company—Prohibiting misleading representations in the sale of medicinal products, a cease and desist order has been issued against Lou Sterling and Walter Fehr Gardner, trading as Kirk Medicine Company, Hollywood, Calif., distributors of a preparation designated as "Kirk's Tablets," "Kirk's Pancreatin Compound Tablets" and "Kirk's Tablets Pancreatin Compound." (3770)

Laing, Harrar & Chamberlin, Inc.—A cease and desist order has been issued requiring Laing, Harrar & Chamberlin, Inc., Philadelphia, and A. J. Sanborn Sons, Inc., and Harry Fain and Alfred Picerno, all of Providence, R. I., to discontinue restraint of trade practices in the purchase and sale of shoe findings and leather and supplies for shoe manufacturers, shoe stores, and shoe repair shops.

Laing, Harrar & Chamberlin, Inc., according to findings of the Commission, during 1937, entered into an agreement with its customers, A. J. Sanborn Sons, Inc., Harry Fain, trading as Fain Leather Company, and Alfred Picerno, trading as Cipolla and Picerno, whereby it would not sell its products to Irving Schretter, trading as Sadler Leather Company, providence, a wholesale dealer and competitor of the 3 Providence customers, unless those customers consented that such sales could be made.

The respondents also were found to have entered into an agreement during 1937 that the 3 Providence customers would not purchase any articles sold by Laing, Harrar & Chamberlin if that corporation violated its agreement and sold to Schretter contrary to the 3 customers' desires.

As a result of the understanding, it was found, Laing, Harrar & Chamberlin, between December, 1937, and May, 1938, discontinued selling its articles to Schretter, who had been a substantial customer of the Philadelphia house.

The Commission's order prohibits the 3 respondent Providence dealers from carrying out agreements for boycotting or threatening boycott or other coercive methods to induce manufacturers or distributors to refrain from selling to any wholesale dealer, and from interfering, in any manner, with a competitive wholesale dealer's source of supply.

Under the order, Laing, Harrar & Chamberlin, Inc., is directed to cease entering into any agreement or conspiracy for the purpose or with the effect of restraining or monopolizing competition, and to discontinue aiding or abetting the execution of such agreement or combination by refusing to sell its products to wholesale dealers because of inducements offered, or coercive methods used, by competitors of such wholesalers. (3725)

Leckie & Haskell—See Brunswick Worsted Mills, Inc.

E. A. Morgan and Company, and E. A. Morgan, president and owner of that corporation, 412 Building Industries Building, Cincinnati, packagers and distributors of a powdered preparation designated as "Run-Safe," "Run-Free" and "Runless," have been ordered to cease and desist from representing that the product, when applied to silk hosiery or lingerie, will insure it against runs, snags or breaks.

The Commission finds that by statements on labels affixed to its containers and by other means, the respondents have represented to prospective purchasers: "Run-Safe: Cuts Hosiery Expense in Half. Insures your hosiery and lingerie against runs, snags and breaks" . . . "Sets the color, no more rotting or fading." . . . "Rain-Spot Proof."

The Commission finds that the product will not stop or prevent runs, snags and breaks in silk hosiery or lingerie; will not prevent rotting or fading; will not set or hold the color of silk hosiery or lingerie; will not render it rain-spot proof or save for its users approximately 50 per cent of hosiery or lingerie costs, but may increase the resistance to runs in certain types of hosiery.

The respondents are ordered to cease and desist from representing, through use of the terms "Run-Safe," "Run-Free" and "Runless" or other similar terms, or in any other manner, that the product will stop or prevent or insure against runs, snags or breaks, will set or hold the color of hosiery or lingerie, will save approximately 50 per cent of costs or render the hosiery or lingerie rain-spot proof. (3771)

Wahl Company, 1800 Roscoe St., Chicago, manufacturer and distributor of "Eversharp" fountain pens, has been ordered to cease and desist from representing, through use of the term "Leak-Proof," that its pens will not leak, and from misrepresenting the ink capacity of its fountain pens.

Findings of the Commission are that in advertisements in magazines, periodicals and other publications, the respondent, in depictions and statements, has represented that ink cannot leak from its Eversharp fountain pens equipped with the so-called "Safety Ink Shut-Off" device, when the pen is uncapped and the pen point exposed; that ink cannot leak from the pen into the cap when the cap is screwed tightly over the pen point, and that Eversharp pens possess more than twice as much ink capacity as the fountain pens offered for sale and sold by competitors of the respondent.

The Commission finds that under certain conditions ink can and does leak from pens equipped with the shut-off device, but in no greater amount than it does in the case of other high quality fountain pens not equipped with the device, and only under substantially the same conditions. It also finds that Eversharp fountain pens do not hold more than twice as much ink as fountain pens sold by competitors, and in fact such pens have an ink capacity of substantially less than the amount claimed.

The respondent company is ordered to cease and desist from representing through use of the term "Leak-Proof," or any similar terms, that its fountain pens will not leak, until they are so designed and constructed that they will not leak. The respondent is also ordered to cease representing that its fountain pens are equipped with any special device which will prevent leaking, until they are so equipped, and from misrepresenting the ink capacity of its fountain pens. (3836)

STIPULATIONS

The Commission entered into the following stipulations during the week:

American Inventions Company—Joseph Zweigenthal and William A. Safrin, trading as American Inventions Company, 130 West 17th St., New York, sold a type of lantern advertised as being capable of electrocuting mosquitoes and other insects, under the names "Elec-Ray Insect Killer," "Elec-Ray Insect Destroyer" and "Mosquito Elec-Ray Lantern." The respondents stipulated that they would desist from using in their advertisements or their trade names representations tending to convey the impression that insects coming in contact with the device would be instantly killed or destroyed, or that light furnished by the device would attract flying insects in sufficient numbers to make the lantern of distinct value in the control of such insects. The respondents also agreed to cease making representations which directly assert or imply that their apparatus has been patented or has been certified by the National Board of Fire Underwriters or Underwriters Laboratories; that sellers would have no competition, or that salesmen would earn $1,000 during a summer, when such are not the facts. (2560)

AP Parts Corporation, 1801 Spielbusch Ave., Toledo, distributor of automotive mufflers and exhaust and tail pipes, will discontinue printing the word "Manufacturers" on its stationery or in advertising matter as descriptive of its business, and will cease using that word or other words of similar import or pictorial or other representations the effect of which is a tendency to convey the impression that the corporation makes the products it sells or owns or controls the factory in which they are manufactured, when these are not the facts. (2559)

Claremont Cravat Company, Inc.—See Haband Company.

Gropper Manufacturing Company, Inc., 95 Lorimer St., Brooklyn, manufacturer and assembler of toys, agreed to cease employing the slogan "Made in U. S. A." on the containers of toy assortments or in any other way so as to imply that they are composed of American-made products each item of which has been made in this country, when such are not the facts. The stipulation provides that if an assortment consists in part of both American-made and foreign-made items, and the slogan is used to designate those made in the United States, it shall be accompanied by suitable phraseology to indicate clearly that some parts of the assortment are made elsewhere than in the United States. (2558)

Haband Company—A seller and a manufacturer of men's neckties have entered into stipulations to discontinue misleading representations in the sale of their products. The respondents are Max Habernickel, Jr., and John A. Anderson, trading as Haband Company, 680 Madison Ave., Paterson, N. J., and Clermont Cravat Company, Inc., 39 West 29th St., New York.

Both respondents agreed to cease employing on labels or in any other manner statements directly asserting or implying that the interlinings of neckties they sell are composed of 100 per cent wool, and to discontinue using the term "100 per cent wool" or the word "wool," alone or with other words, the implication being that such interlinings are wholly wool, when such is not a fact.

The stipulations provide that if the interlining is composed substantially of wool and partly of other materials, the word "wool," if employed to refer to the wool content, shall be clearly accompanied by other words to show that material other than wool is present.

Each respondent agreed to cease making representations to the effect that its necktie underlinings are composed of wool in such substantial quantity as to insure longer wear and better tying qualities, when such are not the facts.

Both respondents also agreed to desist from use of the words "All Silk" as descriptive of neckties not made wholly of silk. The stipulations provide for certain qualifying language to be printed if the ties are composed in substantial part of silk and the word "silk" is used to describe the silk content.

If the products are composed wholly or partly of rayon, such fact is to be made clear in the labeling, invoicing, advertising matter and sales promotional literature, according to both stipulations. (2556-2557)

Leacock & Co., Inc., 230 Fifth Ave., New York, engaged in manufacturing and importing quality and decorative linens, agreed to cease using the word "Linex," independently or in connection with other words, in advertising matter or otherwise, to designate products not made of the fiber of flax, but of a mixture of a natural fiber called ramie, and viscose rayon. The respondent also stipulated that it would discontinue misleading advertising, branding or labeling of any article composed wholly or partly of rayon, agreeing to make full and non-deceptive disclosure of the fiber and other content by clearly designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. In this connection the respondent also agreed to state the percentage of any fiber present in less than a substantial amount, or in any case less than 5 per cent; as, for example, "Ramie and Rayon," when the article is composed of ramie and rayon throughout, with the amount of ramie at least equal to or greater than the rayon proportion. (2562)

Renu-Ink Manufacturing Company—Roger Williams, trading as Renu-Ink Manufacturing Company, 140 West 42nd St., New York, in the sale of "Renu-Ink," a treatment for typewriter ribbons, stipulated that he would cease representing that the product makes typewriter ribbons like new or practically as good as new. instantly or in less than one minute, or at all, or that renewed typewriter ribbons will last as long as new ones. Williams also stipulated that he will discontinue advertising that "Renu-Ink" is "unconditionally guaranted," when such is not a fact. The stipulation provides that if the respondent uses the words "guarantee" or "guaranteed" or language of similar meaning in advertising, he will make clear disclosure in direct connection therewith of exactly what is offered by way of security, as, for example, refund of purchase price. (2563)

Sierra Press—William Lerner, trading as Sierra Press, 629 Gough St., San Francisco, a printer specializing in wedding invitations and similar material, agreed to cease employing the words "Process Engraved" or "Engraved" or words of similar meaning in his advertising matter, alone or in connection with other words, the effect of which may tend to create the impression that the products so designated are made from inked engraved plates by the engraving process, when such is not a fact. The stipulation points out that the respondent's process consists of the use of a powdered chemical, applied to typewriting while the ink is wet and subjected to a baking process to present a raised letter effect. (2561)

Thomson-Heywood Company—Engaged in the interstate sale of literature dealing with character analyses, personal readings and personal development, Mrs. L. Thomson, trading as Thomson-Heywood Company, 821 Market St., San Francisco, has entered into a stipulation to discontinue misleading sales representations.

In the sale of her "Strictly Personal and Confidential Astro-Psychological Reading" and other pamphlets, the respondent agreed to cease representing, among other things, that the reading of one's "earth sign" is the only way to obtain authentic or convincing information regarding one's future outlook, and that any person, regardless of environment, age or circumstance, can, by following the respondent's instructions, rapidly develop executive capacity and inventiveness, bring business right out of the air, command all the talent in the world necessary to achieve his purpose, acquire omniscience, cure physical disorders by merely refusing to think of them and by imagining a healthy condition, and attain success with as absolute certainty as the laws of electricity and mechanics. (2555)

Tylac Company, Monticello, Ill., manufacturer of a composition material known as "Tylac," intended for use as a wall covering, agreed to cease employing in its advertising matter or on stationery, the term "tile," alone or in connection with the trade name "Tylac" or with other words, so as to imply that the products it sells are tile, unless in immediate connection with the word "tile" there appear other words designating the material of which the products are made or which indicate clearly that they are other than ceramics. The stipulation points out that the respondent's products are not ceramics or hard clay products baked in kilns, such as the term "tile", unqualified, is generally understood to mean in the building trade and by the public. (2564)

Reports

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 46, November 17, 1939

Pope Pius XII Discusses Radio

Pope Pius XII's remarks about the use of radio by the Catholic Church topped this week's Code developments.

In an encyclical addressed to all Catholics in America, Pope Pius said:

"We have learned with no little joy that the Marconi radio—marvelous invention and excellent image of the apostolic faith that embraces all mankind—is frequently and advantageously put to use in order to insure the widest possible promulgation of all that concerns the church. We commend the good accomplished. But let those who fulfill this ministry be careful to adhere to the directives of the teaching church, even when they explain and promote what pertains to the social problem; forgetful of personal gain, despising personal popularity, impartial, let them speak 'as from God, before God, in Christ.'"

Joseph Alsop and Robert Kintner, outstanding Washington columnists, interpreted the paragraph as "a direct rebuke to Father Charles E. Coughlin."

The NAB Code committee, headed by Edgar L. Bill, WMBD, will meet in Washington on November 28 for consideration of current problems. The following day the committee will have lunch with representatives of some of the leading women's groups in the country.

The Code will be the topic of discussion for Mutual's "American Forum of the Air" on Sunday, November 19, at 8 p. m., eastern standard time. The speakers: Gen. Hugh S. Johnson, Ed Kirby, Morris Ernst, general counsel of the American Civil Liberties Union, and Martin Codel, publisher of *Broadcasting* magazine.

That afternoon, from 1.45 to 2 o'clock, the Rev. Edward Lodge Curran, president of

(Continued on page 3838)

NAB STUDIES UTILITIES

The NAB is engaged in a study of the radio-utility situation throughout the United States.

Replies to the first letter seeking information indicate that there are scores of stations which have yet to receive their first dollar of utility revenue. On the other hand, some stations number utilities among their best customers.

A letter asking stations reporting utility business for additional information is soon to be mailed. On receipt of the data, the first part of the utility study will be distributed to members.

CHRISTMAS PROMOTION

The conviction that the closer 100 per cent availability of radio receivers is approached, the more secure will be the industry's position is the basis of the NAB-RMA December promotion.

Details of "Radio Christmas" reached all NAB members this week and a large number of stations have already reported that the plan will get under way within the next two weeks.

A number of utilities are also cooperating with the broadcasters in circulation promotion by inserting stuffers

(Continued on page 3838)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

POPE PIUS XII DISCUSSES RADIO

(Continued from page 3837)

the International Catholic Truth Society, will make a speech on the CBS network about the Code.

This week, Paul W. Morency, WTIC, District 1 director, and Mr. Kirby discussed the Code at a meeting of the Radio Council of Western Massachusetts in Springfield. Mr. Kirby also addressed the Indianapolis Advertising Club.

On the CBS network last Sunday, Samuel B. Pettengill, former congressman from Indiana, assailed the Code as "a threat against the free speech of a free people." His speech was distributed in printed form by the National Committee to Uphold Constitutional Government (New York) which recently asked broadcasters to contribute to a fund to fight for "the freedom and security of radio."

CHRISTMAS PROMOTION

(Continued from page 3837)

in their December bills. These direct their customers' attention to specific programs and suggest the purchase of new and additional radios for Christmas.

Utilities, more than any other group, share the broadcasters' desire for increased listening and increased listeners. The response is reflected on the listener' monthly bill for electricity.

FREE OFFERS

The Bureau of Radio Advertising received notice from member stations of the following free offers during the past week:

Look Magazine
Dodd, Mead & Company (Book Publisher)
Aetna Casualty & Surety Co. (Safety Campaign).

These companies have been advised that acceptance of their requests for free time would constitute violation of the NAB Code. They have been invited to pay for time.

Cost-Per-Inquiry

The Best Company, Anderson, Indiana, has withdrawn its request for radio advertising on a percentage basis, following notification by NAB that such dealings are considered bad business practice by member stations. The company is arranging to buy time at the regular rates.

The Northwest Radio-Television Institute, through the Bromley Advertising Agency, Minneapolis, is seeking to place radio advertising on a cost-per-inquiry basis. Member stations and the Bureau of Radio Advertising have advised both concerns that their offer is in violation of the NAB Code.

Bureau of Radio Advertising

The Bureau of Radio Advertising has started an informal bulletin service to all members, covering activities of the Bureau and other information of related interest. Two releases have gone out to stations, and the Bureau will welcome further suggestions or contributions from the membership. It is planned to have these bulletins supplement the printed trade studies and special releases already supplied to stations through the Bureau of Radio Advertising.

THE POPE'S ENCYCLICAL

Enclosed with this issue of the REPORTS are five copies of a column by Joseph Alsop and Robert Kintner, outstanding Washington commentators, about the relationship between the NAB Code and Pope Pius XII's latest encyclical. Members should place these where they will do the most good. Additional copies are available at headquarters.

FREC FORUM REPORT

In its first issue, the "Service Bulletin of the FREC" announces that a report on forum programs made by Paul M. Sheats of the University of Wisconsin is being prepared for submission to broadcasters and educators. Broadcasters will be especially interested in this report because of its connection with the "controversial public issues" section of the NAB Code.

GOVERNMENT SEEKS PROGRAM CONTROL IN SOUTH AMERICA

Moves toward complete governmental control of radio programs are reported from Uruguay and Argentina. The Uruguayan President has sent to Congress a bill to that effect, while a governmental commission recommended similar legislation in Argentina after a year's study.

FCC COMMITTEE RECOMMENDS "CONDITIONAL" SPONSORSHIP FOR TELEVISION

Warning against pitfalls in giving television a "green light" prematurely, the FCC Television Committee this week nevertheless acknowledged recent progress in that field to the extent of recommending liberalization of exist-

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ing regulations to help popularize this method of visual broadcast.

While the Committee does not favor regular commercialization of television at the present time, it does feel that clarification and simplification of rules would encourage the prospective new industry to advance beyond the "technical" and "experimental" stages.

These opinions are contained in the Second Report of the Television Committee, filed with the Commission today. The report is signed by Commissioner T. A. M. Craven, committee chairman; Norman S. Case, and Thad H. Brown. This is the same committee which, in its First Report, dated May 22, 1939, declared television "barely emerging from the first or technical research stage" and warned against setting up standards that might "freeze" orderly development. The Second Report was prompted by consideration of applications for increased television facilities.

The Committee notes certain television progress since last May, but feels that a "crucial" stage has been reached. Less than a thousand television receivers have been sold since that time, and nearly all of these are in New York City. To date only seven of the 19 channels available for television have been developed to the point of initial readiness for technical service of any character.

Yet the Committee is of the firm conviction that, while not eager to purchase receivers at this time, "the public does not desire to be deprived of the opportunity to enjoy the benefits of television when it is ready for public service." It is the Committee's further opinion that progress henceforth "is directly dependent upon the development of public interest in television as a broadcast service, and that such interest can only be developed through the broadcast of programs that have a high public appeal."

Accordingly, the Committee makes specific recommendations which embrace:

1. Greater public participation in experimental operation.
2. Construction of more stations by properly qualified applicants.
3. Elimination of any regulation which interferes with proper business economic processes.
4. Adoption of a license policy for television broadcasters.
5. Allocation of the seven lower frequency channels as follows: 3 channels to metropolitan districts in excess of 1,000,000 population; 2 channels to areas of between 50,000 and 1,000,000, and 1 channel for districts of less than 50,000.
6. Stimulation of technical development on additional channels now reserved for television.
7. Development of program service in conjunction with research and experimentation.
8. Establishment of minimum requirements for television transmitters.
9. Protection of the public, as far as possible, against loss through obsolescence in receivers.
10. Modification of prohibition against commercialism to permit sponsorship on experimental programs, under certain conditions.

"While the Commission should take no action which discourages pioneering in sound business enterprises, it also has its duty to the public," declares the Committee. "No interests should be permitted to raise public hopes falsely, nor to encourage public investments where the state of scientific or economic development leaves any doubt that such hopes and expenditures are justified for the use of the public property in the radio spectrum. . . . Television should not be expected to reach over night the objectives which are necessary ultimately. It seems logical to conclude that a normal healthy growth is the most certain road to a sustained life of public service."

Regarding commercialization, the report said, in part:

"One company suggested to the Committee that there is a real need for relaxing the Commission's existing rules restricting commercial sponsorship for broadcasting television programs. It was asserted that such removal would stimulate the development of television as a service to the public without in any way retarding logical progress. It was also stated that lifting the existing restrictions would assist in ameliorating the heavy financial burden being shouldered by those pioneers who are endeavoring to develop television program technique, and improved program service to the public would follow. It was claimed that such an improvement would result in better public appreciation and, consequently, more rapid progress in the evolution of television. The organization which made this proposal has pioneered extensively in the development of television and its contributions of capital as well as practical achievements have influenced favorably the advancement of television.

"The Committee has given careful and sympathetic consideration to this proposal, particularly from the standpoint of estimating the extent to which the present restrictions against commercialization constitute a barrier to orderly progress. The Committee is of the opinion that at present the claimed advantages of removing the restrictions against commercialization of television do not outweigh the potential disadvantages.

"Today there is no circulation to attract any sponsor to television as a logical media for securing public response. It appears obvious that before commercialization of television can become feasible, the service should be ready to sell on some reasonable basis of circulation value to the sponsor. Since only a few experimental stations in operation today are rendering broadcast service to not more than 1000 receivers, there is no convincing argument that the removal at this time of the ban on commercialization will affect the development of television in any positive manner.

"On the other hand, there is grave possibility that premature commercialization could retard logical development. There is particular danger that advertising rather than entertainment or education might easily become a paramount factor in programs. In addition, premature commercialization may easily lead to a scramble for television channels by unfitted applicants who have no real public service concept. It may precipitate many stations in local markets before any source of good programs is available. Consequently, it is certain that public reaction to television service would be adverse.

"The Committee does not believe that immediate commercialization of television program service would increase the sale of receivers. On the contrary, it might easily result as a retardation of the ultimate sale of such receivers on a large volume basis.

"Furthermore, immediate commercialization threatens to open the door wide to financial exploitation of the public without any sound basis therefor. And, finally, premature commercialization might crystallize employment and wage levels before a new-born art and industry has any opportunity to gain sufficient experience to obtain the stability in this phase of the service which is so essential to employer and employee alike.

"It may be that the time is fast approaching when pioneers must receive a return not only on their huge investment but also must secure remuneration for operating expenses. Consequently, the Committee feels that program sponsorship by advertisers is one of the logical means of support for the new television service to the public when such service is ready. The Committee recognizes a particular need for keeping the Commission's regulations abreast of progress. Therefore, applicants should be given the opportunity, at any time, of securing changes in the rules if, as a result of a public hearing, they can demonstrate that public interest will be served by such changes.

"While the Committee does not recommend any radical change in principle in existing rules relating to commercialization, it does suggest a clarification and simplification of existing rules in this respect.

"It should be made clear that the rules do not constitute an artificial barrier to the logical development of program technique, including the development of methods for making television useful as an advertising media conforming to favorable public reaction. Also it should be apparent that sponsorship is not prohibited, provided such sponsorship and the program facilities or funds contributed by sponsors are primarily for the purpose of experimental program development. The intent of the rules should be to prevent commercial exploitation of television as a service to the public prior to demonstrated proof of its readiness for regular operation in accord with public interest, convenience or necessity. Other than such alterations, the Committee is of the opinion that the Commission should not permit regular commercialization of television at present, but that instead the Commission should hold itself ready to consider the problem anew when general development progresses further into practicalities."

BROADCASTING ECONOMICS AGAIN DISCUSSED BY THE COURT

The Court of Appeals of the District of Columbia has dismissed three broadcasting cases including the appeals of WLAC, Tri-State Broadcasting Company, and Tri-City Broadcasting Company.

In the Tri-State case, licensees of station KTSM, the Court dismissed the case. This was an appeal from a decision of the Federal Communications Commission of June, 1938, in which the Commission granted Dorrance D. Roderick a construction permit for a new station to use 1500 kilocycles, 100 watts, unlimited time.

In January, 1937, the Commission granted Roderick's application and Tri-State Company appealed from that decision to the Court of Appeals. The Court reversed the decision of the Commission and remanded the case for further judgment. The Commission vacated its decision of January, 1937, and reopened the case. In June, 1938, the Commission again granted the Roderick application. Tri-State again appealed to the Court on the economic grounds and that it had not had an opportunity to present an oral argument to the Commission.

In its decision in this case the Court said in part:

"Thus, we are called upon to review the finding of the Commission in respect of economic injury resulting from the granting of the license for the new station, to determine whether or not the competition expected to result therefrom will be destructive and ruinous as urged by the appellant.

"The owner of an existing station may well contend in any case that a new station may reduce the present income of his station, but it requires more to justify the Commission refusing to grant the new license. A mere showing that the income of an existing station may be reduced if another station enters its field is not sufficient. The appellant recognizes that such can not be the criterion of economic injury herein, as it charges that the competition complained of will be destructive and ruinous."

Discussing the question of allowing oral argument the Court says:

"We may not consider the additional grounds advanced by appellant for reversal, except that one which urges the invalidity of the Commission's order because it failed to afford appellant an opportunity to present oral argument before the full membership of the Commission, which had not at any time heard oral argument. Obviously oral argument under the statute is an important right to a party claiming it will suffer economic injury from an additional facility allowed by the Commission. It might very well induce the Commission to make one finding, when, without such argument, it may have made a contrary finding. Right of argument is an indispensable step to a fair hearing."

The Court held, however, that the appellant did not make any request of the Commission for oral argument. The Court on this question says:

"It (Tri-State) failed to give the administrative body an opportunity to grant oral argument, and can not be heard to complain thereof for the first time before this court. It is very clear in the present case that no error occurred in this respect."

The Court also dismissed the WLAC case. This was an appeal from a decision of the Federal Communications Commission of May, 1938. The Commission denied rehearing to WLAC on its granting of an application of WMEX for a construction permit to operate on 1470 kilocycles, 5000 watts, unlimited time using a directional antenna. WLAC appealed because of the alleged failure of the Commission to make findings with respect to interference WMEX would cause to WLAC. WLAC operates on 1470 kilocycles, 5000 watts, day and night.

This is a companion case to the Yankee Network case rendered by the Court, and arose out of the same proceeding. (See NAB Reports, Aug. 25, 1939, p. 3676.) In its conclusions in this case the Court says:

"We have said that if the Commission's prior consideration of a previously filed and copending application—where request has been made for joint consideration—has 'seriously prejudiced' an application we would have a case in which we might say that the latter applicant has an appealable interest as a person aggrieved. However, we cannot say, under the circumstances of the present appeal, that appellant has been prejudiced as a matter of law. The Commission's rule, permitting a joint hearing of pending applications, is certainly a reasonable one. As appellant, full-handed with knowledge of the situation, failed to request such a joint hearing, he is in no position to demand—and we have no power to require—that the Commission suspend its normal functions and reopen its proceedings in order to determine the large questions which he seeks now to have determined. For, indeed, large and important questions will be involved in determining whether the Commission's Rule 119 should be amended and kilocycles frequency 1470 reallocated for clear channel purposes; whether the classification of Station WLAC should be changed from a regional to a clear channel station; whether Station WLAC should be required to install directional antenna; whether Station KGA should be permitted to change its frequency from 1470 to 950 kilocycles; whether or not—and if so to what extent—the Commission should integrate into its rules the 'Standards of Good Engineering practice' or provisions of the Havana Treaty.

"So long as the Commission complies with the mandate of the statute it has, and should have, wide discretion in determining questions both of public policy and of procedural policy, and in making and applying appropriate rules therefor. It is not the function of this Court to direct the Commission as to the routine of its administrative procedure, so long as it conforms to the law. No violation of law is revealed by the record or shown by appellant.

> "In view of our determination of the foregoing questions it is unnecessary to consider other assignments and contentions presented by appellant."

No written decision was rendered by the Court in the Tri-City Broadcasting Company case. The Court stated:

> "Upon consideration of the motion to dismiss this appeal, and since it appears from the statement of reasons for appeal that appellant has stated no grievance which if true would justify this Court in reversing the decision of the Federal Communications Commission appealed from, it is
>
> "Ordered that the appeal of the Tri-City Broadcasting Co., Inc., from the decision of the Federal Communications Commissions denying appellant's application for a construction permit, effective March 27, 1939, be and hereby is dismissed."

CIVIC INTEREST CONSIDERATION IN BROADCAST GRANTS

The words "public necessity" in the Communications Act "are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service," declared the FCC in granting application of F. W. Meyer for construction permit for a new broadcast station in Denver, Colorado.

The Commission explains:

> "Nothing in the Communications Act, our Rules and Regulations or our policy requires a finding of a definite need to support the grant of an application. Cases where such a finding of need is not made are, however, to be distinguished from situations in which a real lack of broadcast service is made clear. . . . In the latter class of cases the Commission will give due consideration to this fact. The 'public interest, convenience or necessity' which the statute provides as the basis for a grant, cannot be construed as a mandate that actual necessity for the particular facilities must be shown. Neither the disjunctive form nor the public convenience as an independent factor is to be entirely ignored. Indeed the words 'public necessity' in the Act are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service possible."

Opposition to granting the application argued that no public need is shown for additional broadcast facilities in Denver. All of the stations operating full time in that city are affiliated with the national chains. Thus the hours during which these stations may reach the greatest number of listeners are not available for local broadcasting. Local governmental, educational, civic, charitable, and community organizations thus lack an effective means of reaching the radio public in the vicinity.

The Meyer station proposes to operate on 1310 kilocycles with power of 100 watts at night and 250 watts until local sunset, unlimited time.

The application was denied originally on May 18, 1939. Subsequently, the applicant filed a petition for rehearing, which was granted and the case was reargued November 9th last. Under all the circumstances and evidence presented, the Commission concludes that "public interest, convenience and necessity" will be served by granting the application.

STATIONS COOPERATE TO BETTER SERVICE

An example of public benefit resultant from broadcast stations working out mutual problems of power allocation was revealed when the FCC granted applications of stations KTUL, WIRE and KLO for increased power facilities.

The Tulsa Broadcasting Company, Inc., operating KTUL at Tulsa, Oklahoma; Indianapolis Broadcasting, Inc., operating WIRE at Indianapolis, Indiana, and the Interstate Broadcasting Corporation, operating KLO at Ogden, Utah, are the stations who cooperated to improve service in those areas.

The three stations were each operating with 5 kilowatts day and one kilowatt at night. Each wanted to increase its night power to five kilowatts. But they couldn't do that independently without interfering with one another. So they got together and worked out technical details whereby, through the use of directional antenna, they will minimize the interference problem and, at the same time, be able to extend their respective services.

When the joint arrangement was presented to the Commission it was approved without delay. The case is typical of mutual effort of other broadcasters who, by using modern engineering methods, are able to improve broadcast quality and coverage, the FCC said.

809 STATIONS

During the month of October, 1939, the Federal Communications Commission issued operating licenses to eight stations. The Commission granted eleven permits for the construction of new stations and cancelled two construction permits which it had previously granted. A comparative table by months follows:

	Jan. 1	*Feb. 1*	*Mar. 1*	*Apr. 1*	*May 1*	*June 1*	*July 1*	*Aug. 1*	*Sep. 1*	*Oct. 1*	*Nov. 1*
Operating	722	727	729	732	734	735	735	738	739	743	751
Construction	42	39	37	37	38	38	43	56	59	57	58
	764	766	766	769	772	773	778	794	798	800	809

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission this week adopted a final order "dismissing as in default" the application of the Seaboard Broadcasting Corporation for a construction permit for the erection of a new station at **Savannah, Ga.,** to use **1310 kilocycles,** 100 watts night, and 250 watts day, until LS, unlimited time. The case was designated for oral argument before the Commission on October 13 and "applicants failed to appear and present oral argument."

Final order was also entered by the Commission denying the application of WMBR, **Jacksonville, Florida,** to change its frequency from **1370** to **1120 kilocycles,** to increase its power from 100 watts night and 250 watts day to 500 watts night and 1,000 watts day, on an unlimited time basis, to move its transmitter locally and use a directional antenna at night.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing are scheduled before the Commission in broadcast cases for the week beginning Monday, November 20. They are subject to change.

Monday, November 20

NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., **580 kc.,** 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.,** 1 KW, 1 KW LS, unlimited time (DA day and night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted voluntary assignment of license from Board of Regents, University of Wisconsin, to State of Wisconsin, Department of Agriculture.

KARM—George Harm, Fresno, Calif.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted construction permit to make changes in composite equipment and increase power from 100 to 250 watts, upon condition that the grant is not to be construed as a finding for renewal of license of KVOS nor upon application of Bellingham Broadcasting Company, nor upon any of the issues involved in these cases.

KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit approving transmitter and studio sites, installation of vertical radiator, and increase in night power from 100 to 250 watts.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted modification of license to increase night power from 100 watts to 250 watts.

KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted modification of license to increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation, and make changes in DA system.

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted modification of license to increase night power from 1 KW to 5 KW and make changes in directional antenna system.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted modification of license to increase night power from 1 KW to 5 KW and to change phasing in directional antenna system.

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Granted modification of license to increase night power from 100 to 250 watts.

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Granted amended application for construction permit to move station locally; install new equipment; increase power from 500 watts to 1 KW night, 5 KW day, and hours of operation from limited time to unlimited.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted modification of license to change assignment from **650 kc.,** 250 watts, limited time, to **710 kc.,** 1 KW, unlimited time.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WSAL—Frank M. Stearns, Salisbury, Md.—Designated for hearing before Commissioner Brown, the matter of the Order of Revocation of License.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KANS, Wichita, Kans.; KASA, Elk City, Okla.; KCKN, Kansas City, Kans.; KFJI, Klamath Falls, Ore.; KFYO, Lubbock, Tex.; KGFJ, Los Angeles; KGHI, Little Rock, Ark.; KIUL, Garden City, Kans.; KROC, Rochester, Minn.; KRRV, Sherman, Tex.; KTSM, El Paso, Tex.; KVAK, Atchison, Kans.; KVCV, South of Redding, Calif.; KWNO, Winona, Minn.; KWOS, Jefferson City, Mo.; WJLS, Beckley, W. Va.; WKBO, Harrisburg, Pa.; WMBO, Auburn, N. Y.; WMPC, Lapeer, Mich.; WOLS, Florence, S. C.; WSBC, Chicago; WSJS, Winston-Salem, N. C.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WAYX, Waycross, Ga.; WBEO, Marquette, Mich.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WCAT, Rapid City, S. Dak.; WCAX, Burlington, Vt.; WCRW, Chicago; WDAH, El Paso, Tex.; WEBR, Buffalo, N. Y.; WEBR, Auxiliary; WFTC, Kinston, N. C.; WGAU, Athens, Ga.; WGTM, Wilson, N. C.; WHAI, Greenfield, Mass.; WIL, St. Louis, Mo.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted renewal of license for the period ending August 1, 1940.

WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted renewal of license for auxiliary for the period ending August 1, 1940.

WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license for the period ending August 1, 1940.

WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted renewal of license for the period ending February 1, 1940.

WNEL—Juan Piza, San Juan, P. R.—Granted renewal of license for the period ending June 1, 1940.

The following relay broadcast stations were granted renewal of licenses for the regular period:

KEHP, area of San Diego, Calif.; KEGA, area of Los Angeles; WEGM, New York City; WEGO, Terre Haute, Ind.; WENW, area of Champaign, Ill.; KEGL, area of Los Angeles, Calif.; KEGN, area of San Francisco; KEGO, area of Los Angeles; KEGQ, area of Los Angeles; WEHP, area of Toledo, Ohio; WEIL, area of Miami, Fla.; WEIM, area of Miami, Fla.; KEID, area of Kansas City, Mo.; KEGD, area of Beaumont, Tex.; WAUJ, area of Louisville, Ky.; WEIZ, area of Dayton, Ohio; WEJY, area of Dayton, Ohio; WEJZ, area of Dayton, Ohio; WENU, area of Baltimore; KEIU, area of Missoula, Mont.; KEJC, area of Denver; KEJL, area of San Francisco; WEJD, WEJE, area of Washington, D. C.; WEJI, WEJJ, area of New York City; WEJK, area of Chicago; WEJL, WEJN, area of New York City; WEJO, WEJP, WEJQ, area of Cleveland, Ohio; WEJR, area of New York City; WEJS, WEJT, area of Washington, D. C.; WEJU, WEJW, area of New York City; WEJV, WEJX, area of Chicago; KEJD, KEJE, KEJG, area of Denver; KEJJ, area of Denver; WEOF, area of Nashville, Tenn.; KEIV, area of Long Beach, Calif.; KEIZ, area of Portland, Ore.; WEKG, area of Philadelphia; KEJM, area of Sioux City, Iowa; KEJO, area of St. Louis, Mo.; WEHT, area of Racine, Wis.; WEHY, area of Bristol, Tenn.; KEGU, area of Salt Lake City; WEKT, area of St. Petersburg, Fla.; KEGW, area of Phoenix, Ariz.; KEGX, area of Phoenix, Ariz.; WEKO, WEKP, area of Scranton, Pa.; WEKQ, area of Tallmadge, Ohio; WEKR, area of South Bend, Ind.; KEGY, area of Tulsa, Okla.; KEHB, KEHC, KEHD, area of Topeka, Kans.; WEKV, WEKW, area of Hartford, Conn.; WELD, WELE, area of Columbus, Ohio; WEOE, area of Fargo, N. Dak.; WELN, area of Hartford, Conn.; WELP, area of New Orleans; WELW, WELX, area of Philadelphia; WELY, area of Lancaster, Pa.; WAIF, WAIG, WELZ, area of Chicago; WENF, WENG, area of Detroit; KEHL, area of Oklahoma City; WEOD, WEKX, WEKY, WEKZ, area of Boston, Mass.; WEGN, area of Newark, N. J.; KEGE, area of Dallas, Tex.; WEGW, WEGX, area of Charleston, W. Va.; WEHG, WEHK, area of New York City; WLWD, WLWE, WLWF, WLWG, WLWH, WLWX, area of Cincinnati, Ohio.; WEIC, area of Schenectady; KEIA, area of Honolulu; WEIT, area of New Orleans; WEIX, area of Memphis, Tenn.; KEIT, area of Kansas City, Mo.; WENV, area of Baltimore.

WABG—Memphis Commercial Appeal Co., area of Memphis, Tenn.—Granted renewal of relay broadcast station for the period ending October 1, 1940.

WDJM—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of international broadcast station license for the period ending November 1, 1940.

WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted renewal of international broadcast station license for the period ending November 1, 1940.

MISCELLANEOUS

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate a portable MOPA 100 watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency **1140 kc.,** in the vicinity of Portland, Oregon, for the making of transmitter site tests, during daytime, for the period November 10 to November 19, 1939.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, for the period November 11 to not later than December 10, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.,** reduces power so that additional interference is not involved, or until defective directional system of CMQ is corrected by installing new tuning condensers.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS, November, 4:45 p. m. and December, 4:30 p. m., CST), for the period November 14 to not later than December 13, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from the Mutual Broadcasting System.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, from November 11 to December 10, 1939, in order to overcome interference from Cuban Station CMQ provided such operation with additional power terminates immediately when CMQ ceases operation on **780 kc.,** reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.

Inter-Island Airways, Ltd., Honolulu, Hawaii.—Granted special temporary authority to operate Aircraft Station KHCMB as a relay broadcast station on the frequency **5375 kc.,** November 11, 1939, to transmit to Standard Broadcast Station KGU program material in connection with the Tenth Anniversary of Air Transportation in Hawaii under the express condition that no interference is caused to other stations operating on this frequency.

KUMA—Albert H. Schermann, Yuma, Arizona.—Denied special temporary authority to operate from 10:00 p. m., MST, to the conclusion of a football game on December 9, 1939, in order to broadcast football game only.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted petition to intervene in the hearing of Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Illinois, for a new station to operate on **1370 kc.,** 250 watts, unlimited time.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted special temporary authority to operate on the frequency **1200 kc.,** at present transmitter site until construction is completed at approval site in accordance with permit, for the period November 12, 1939, until not later than December 11, 1939.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate additional time for the period December 1, 1939, and ending not later than December 25, 1939, in order to broadcast programs as described in letter dated October 31, 1939, and on December 31, 1939, in order to broadcast church program and to remain on until midnight, in order to welcome in the year 1940.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate additional time simultaneously with station KFVS on November 17, 1939, in order to broadcast dedicatory address for the dedication of the new Elks Home, only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m., power of 250 watts, on November 13, 1939, in order to broadcast proceedings of the banquet incident to the opening of the Community Chest campaign in Sharon.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kansas (November and December, 5:15 p. m., CST), to local sunset at Los Angeles, Calif. (November and December, 6:45 p. m., CST), with 1 KW power, for the period November 15, 1939, to not later than December 1, 1939, in order to broadcast political, civic, charitable, religious, educational, fraternal, and commercial programs of outstanding local interest.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Territory of Hawaii.—Granted modification of license to change corporate name of licensee from Honolulu Broadcasting Company, Ltd., to Hawaiian Broadcasting System. Limited.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted license to cover construction permit for new equipment and increase in power from 100 watts to 250 watts.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted license to cover construction permit for new station to operate on **1370 kc.,** with 100 watts night. 250 watts day, unlimited time.

WISE—Harold H. Thoms, Asheville, N. C.—Granted license to cover construction permit for new station to operate on **1370 kc.** with 100 watts power.

WJPR—John R. Pepper, Greenville, Miss.—Granted license to cover construction permit for new station to operate on **1310 kc.,** with 100 watts night, 250 watts day, unlimited.

WJPR—John R. Pepper, Greenville, Miss.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted modification of license to change corporate name of licensee from Honolulu Broadcasting Company, Ltd., to Hawaiian Broadcasting System, Ltd.

W8XVC—The Cincinnati Times Star Co., Cincinnati, Ohio.—Granted modification of construction permit for additional time to construct Facsimile Broadcast Station W8XVC, commencement date May 6, 1940, and completion date November 6, 1940; granted upon an experimental basis only, conditionally.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted extension of special temporary authority to use ultra high frequency transmitter Type A, Serial No. 315 and authorized to be used by Television Broadcast (experimental) Station W2XDR, by Facsimile Broadcast Station W2XR, for the period November 12, 1939, to not later than December 11, 1939, pending action on modification of license for W2XR.

WAIR—C. G. Hill, George D. Walker & Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to rebroadcast the NAA time signals for the period ending in no event later than 3:00 a. m., EST, June 1, 1940.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted motion to dismiss without prejudice the application for construction to increase operating assignment of WLAW from sunset at Lawrence, Mass., to sunset at San Francisco, and install directional antenna for nighttime use. Dismissed petition for rehearing filed by WLAW in re this matter.

William F. Huffman, Wisconsin Rapids, Wis.—Adopted new bill of particulars in accordance with action taken on October 24, in designating for hearing the application of William F. Huffman for a new station; new bill to contain issues regarding technical and program service to be rendered and financial qualifications of applicant; also whether the application of George F. Meyer, Medford, Wisconsin, and Huffman's application are mutually exclusive, and if so, whether public interest, convenience and necessity would be served by granting this application.

Airfan Radio Corp., Ltd., San Diego, Calif.—Dismissed petition requesting the Commission to reconsider its action of July 26, granting the motion of Worcester Broadcasting Corporation to file application for construction permit and to incorporate the record in Dockets 5378 and 5381 as part of said application, in so far as said action incorporated such record.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of construction permit for extension of completion date from November 20, 1939, to December 20, 1939.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

KOTN—Universal Broadcasting Corp., Pine Bluff, Arkansas.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WILL—University of Illinois, Urbana, Illinois.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WFBM—WFBM, Inc., Indianapolis, Ind.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new transmitter; make changes in directional antenna; increase power from 1 to 5 KW; move transmitter from College Point Causeway, Flushing, N. Y., to Belleville Turnpike, Kearny, N. J.

610 Kilocycles

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit B3-P-2449 for equipment changes.

620 Kilocycles

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

740 Kilocycles

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.;—Modification of license to change hours of operation from daytime to limited to WSB, Atlanta, Ga., using 250 watts power day and night.

930 Kilocycles

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night.

980 Kilocycles

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License to cover construction permit B2-P-2308 as modified for a new transmitter and move of transmitter.

1200 Kilocycles

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Authority to determine operating power by direct measurement.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by direct measurement of antenna power.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—Authority to determine operating power by direct measurement of antenna power.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—License to cover construction permit B3-P-2348 as modified for equipment changes and increase in power.

1210 Kilocycles

WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new transmitter, directional antenna, for night use; change frequency from **1210 kc.** to **610 kc.;** increase power from 100 watts, 250 watts day, to 1 KW day and night; move transmitter from 516 West Trade St., Charlotte, N. C., to near Charlotte, N. C.

1310 Kilocycles

KGFW—Central Nebraska Broadcasting Corp., Kearny, Nebr.—Authority to determine operating power by direct measurement.

KFYO—Plains Radio Broadcasting Company, Lubbock, Tex.—Construction permit to install new transmitter and vertical antenna; change frequency from **1310 kc.** to **1380 kc.;** increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; move transmitter from 2312 Fifth St., Lubbock, Tex., to site to be determined at or near Lubbock, Tex. Amended to request 1 KW power day and night.

KWOC—A. L. McCarthy, O. A. Tedrick, and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Authority to determine operating power by direct measurement of antenna power.

1370 Kilocycles

KLUF—The KLUF Broadcasting Company, Inc., Galveston, Tex.—Construction permit to install new transmitter; change frequency from **1370 kc.** to **1360 kc.;** increase power from 250 watts to 500 watts; 1 KW day.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Modification of construction permit B3-P-2346 for a new station, requesting approval of antenna and of transmitter site at 13th St. and 11th Ave., Hickory, N. C.; increase power from 100 watts, 250 watts day, to 250 watts power; change type of transmitter.

1420 Kilocycles

WELL—Enquirer-News Co., Battle Creek, Mich.—Voluntary assignment of license from Enquirer-News Co. to Federated Publications, Inc.

WJMS—WJMS, Inc., Ironwood, Mich.—Authority to determine operating power by direct measurement of antenna power.

WNOE—WBNO, Inc., New Orleans, La.—Modification of license to change name from WBNO, Inc., to WNOE, Inc.

1470 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Construction permit to install new transmitter; make changes in antenna; increase power from 5 to 10 KW; move studio from Standard Stock Exchange Bldg., Spokane, Wash., to Radio Central Bldg., Spokane, Wash., and move transmitter from 325 East Towan Ave., Spokane, Wash., to 4102 South Regal St., Spokane, Wash.

1500 Kilocycles

KFDA—Amarillo Broadcasting Corporation, Amarillo, Tex.—Authority to transfer control of corporation from C. S. Gooch to J. L. Nunn, 10,200 shares common stock.

KFDA—Amarillo Broadcasting Corporation, Amarillo, Tex.—License to cover construction permit (B3-P-2485) for new equipment, increase in power.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

MISCELLANEOUS

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover construction permit B1-PVB-6 as modified for new equipment, increase in power, and addition of A-3 emission. License application specifies **50000-56000 kc.**

Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Construction permit for new high frequency station to be located at Architects Bldg., 17th and Sansom Sts., Philadelphia, Pa., on **12600 kc.**, 1 KW, unlimited time, special emission.

Guy S. Cornish, area Cincinnati, Ohio.—Construction permit for low power portable transmitter for public address service on **305000, 310000, 315000, 325000 kc.**, 5 watts power, A-3 emission. Amended to request **310000 kc.** only and 1 watt power.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—Modification of C. P. (B1-PRE-305) for changes in equipment and increase power to 100 watts.

W8XE—United Broadcasting Co., Cleveland, Ohio.—License to utilize equipment of relay station WRPM in lieu of equipment of high frequency broadcast station W8XNT and power output to be 100 watts. Amended: To change name of applicant.

KAOU—Arizona Broadcasting Co., Inc., Tucson, Arizona.—License to cover construction permit B5-PRE-292, for new relay broadcast station.

KEIM—KTAR Broadcasting Co., area of Phoenix, Arizona.—License to cover construction permit B5-PRE-293, for equipment changes and increase in power.

NEW—Monocacy Broadcasting Co., Frederick, Md.—Construction permit for new relay broadcast station to be operated in area of WFMD, Frederick, Md., on **1622, 2058, 2150, 2790 kc.**, 40 watts, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

American Products Company, a corporation manufacturing food and toilet products, and The Zanol Products Company, its selling agent and subsidiary, both having offices at 3265 Coleraine Ave., Cincinnati, have been ordered to cease and desist from misrepresentations affecting prospective sellers of its products.

Findings of the Commission are that the respondents advertised in daily newspapers, trade magazines and other periodicals, seeking sales representatives for the products, and making offers to prospective salesmen that were exaggerated and untrue. Among them, it was found, were: "I will pay you up to $42.50 a week and I will furnish a car to producers." . . . "Best of all I am going to start you in this wonderful business at my expense. I am going to put complete faith and confidence in you. I am going to assume all the expense and take all the risk." . . . "Wonderful chance to make $6 a day taking orders for No-Frost." . . . "MAN —I want a man for local tea and coffee route paying up to $27.50 first week. Opportunity for steady cash increases. Approximately 200 customers." . . . "Free Auto If You Qualify." . . . "Automobile Given to Producers." . . . "Automobile Given to Man Who Qualifies." . . . "*FIVE MILLION A YEAR.* These ideas are the rock on which I built my business and on which it has grown and prospered and brought money to hundreds and hundreds of men and women. When I tell you that I started with practically nothing and that now housewives buy five million dollars worth of Zanol products annually you know how successful my ideas have been."

Findings of the Commission are that average earnings of salesmen under normal conditions are but a small percentage of the amounts named in the advertisements, that no automobiles are given salesmen unless they have purchased at wholesale prices not less than $2500 worth of goods in a year from the respondents, and that deposits are required from salesmen on all goods or samples supplied.

The respondents are ordered to cease and desist from misrepresenting in any manner the volume of their business; representing that salesmen or distributors of their merchandise incur no risk or expense, when in fact the respondents require a deposit from such persons; using the word "free" or any other term of similar import, unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with the term "free"; representing any specified sum of money as earnings or profits of any specified dealer or sales person for any stated period of time, unless such sum of money has been, in fact, averaged over a period of at least two months in the ordinary course of business and under normal conditions. (2836)

Hamilton Manufacturing Company, 413 South Fifth St., Minneapolis, manufacturer and distributor of push cards and punch boards involving games of chance and lottery schemes when used in the distribution of merchandise to the consuming public, is charged in a complaint with engaging in unfair acts and practices in commerce in violation of the Federal Trade Commission Act. (3944)

Harlich Manufacturing Company—A complaint has been issued against Leo, Libbie and Byron J. Lichtenstein, individually and as co-partners trading under the name of Harlich Manufacturing Company, 1401-1417 West Jackson Blvd., Chicago, charging the manufacture and distribution of push cards and punch boards to be used as lottery devices in connection with the sale and distribution of merchandise to ultimate consumers. (3947)

Pasadena Products, Inc., 300 North Lake Ave., Pasadena, Calif., distributor of a medicinal preparation designated "Sal-Ro-Cin," is respondent in a complaint alleging misrepresentation.

Through radio broadcasts and advertisements in newspapers and periodicals, the complaint alleges, the respondent represented that "Sal-Ro-Cin" is a competent and effective treatment for rheumatism, neuritis, lumbago and other ailments, and that the company will mail a liberal free sample of the preparation to any one requesting it.

The complaint charges that the preparation is not a competent or effective treatment for any of the ailments named, that at best it will bring only palliative relief from pains accompanying the ailments, and that the respondent does not mail free any samples, but makes a charge for all samples sent. (3945)

STIPULATIONS

The Commission has entered into the following stipulations:

F. R. Glover, Cortland, N. Y., engaged in selling medicinal preparations for poultry designated "Glover's Poultry Tonic," "Glover's Conditioning Powder," "Glover's Roup Cure (Liquid)." "Glover's Powdered Roup Cure," "Glover's Cholera Cure." "Glover's Pox Cure," "Glover's Poultry Wormer," "Glover's Louse Exterminator," "Ratin," and a book called "Poultry Diseases," has entered into a stipulation in which he agrees to cease certain misrepresentations in the sale of his products.

The respondent will discontinue representing that "Glover's Poultry Tonic" builds up resistance of a flock so that it will not be liable to disease, increases the egg yield of a flock three-fold or in any material amount, or enables one to raise chicks without losing any by disease; that "Glover's Conditioning Powder" is the world's greatest conditioner, will put every class of stock in the "pink of condition," will keep down fever in poultry and will condition cocks to win; that "Glover's Roup Cure" and "Glover's Powdered Roup Cure" will cure roup, colds, rattles, canker and all kindred diseases of poultry, are tonics or will serve as preventives of disease; that "Glover's Roup Cure (Liquid)" keeps the passages of the head and throat of poultry open and heals the delicate membranes; that "Glover's Powdered Roup Cure" drives the poison from the blood of poultry and brings about a sure, speedy and complete cure of roup; that "Glover's Cholera Cure" is an effective remedy or competent treatment for cholera or bowel troubles of poultry, or will check the worst attack of cholera at once and soon cure it; that "Glover's Pox Cure" is an effective remedy or competent treatment for Favus, scurvy and all like diseases of poultry, and that the powder included in "Glover's Pox Cure" eliminates the poison from the blood of poultry affected with pox, and the ointment heals the sores; that "Glover's Poultry

Wormer" is a sure cure for "all" worm troubles in poultry; that "Glover's Gapes Cure" is an absolute cure for gapes; that "Glover's Louse Exterminator" will keep fowls free from head and body lice and mites of all kinds or will rid one's flock of lice; that "Ratin" is effective for eliminating mice and rats of all sizes, and that the respondent's book entitled "Poultry Diseases" explains fully the cause of each disease, gives the symptoms of poultry diseases in such a manner as to enable the layman to readily distinguish one disease from another, or offers the best possible treatment for various poultry diseases and that range paralysis, brooder paralysis and leg weakness in poultry come from intestinal poisoning and in many cases from worms. (02457)

Morton Distributing Co.—A. C. Morton, doing business under the trade name of Morton Distributing Company, Sedalia, Mo., engaged in selling a medicinal preparation designated "Russell's Black Gold Ointment," has entered into a stipulation in which he agrees to cease representing that "Russell's Black Gold Ointment," or any medicinal preparation containing substantially the same ingredients, is a competent remedy in the treatment of eczema, psoriasis, acne or any other affections of the skin which are due to or based upon a systemic or constitutional background; is a competent remedy in the treatment of athlete's foot or any other affections of the skin resulting from a deep-seated invasion of the skin by a group of fungi, "will take care of practically any of the common run of skin troubles," or "draws out impure, poisonous waste matter". (02456)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Antisepto Products Company—In connection with a cease and desist order issued against Edward L. Jenkins and Mildred Jenkins, trading as Antisepto Products Company, Antisepto Products, Educational Products Company, Sanitol Products Company, XL Products Company and XL Products, 3335 Belle Plaine Ave., Chicago, the Commission finds that irreparable injury to health may be caused by use of the alleged remedies for delayed menstruation and prostate gland weaknesses distributed by the respondents.

The Federal Trade Commission, on July 11, 1939, obtained from the United States District Court in Chicago a preliminary injunction prohibiting the respondents from falsely advertising their alleged remedies for delayed menstruation.

The preparations were advertised in newspapers and periodicals as being competent and effective remedies, and were sold largely through the mails at prices ranging from $1 to $3.50.

The drugs used in compounding the preparations for women, the Commission finds, if used under the conditions prescribed in the advertisements, could cause uterine infection, blood poisoning, or result in a gangrenous condition of the lower limbs, while those used as ingredients of the prostate gland remedy, under certain conditions prescribed in the advertising, might cause brain disorders, injury to the urinary tract or serious nephritis to users. None of the preparations, the findings state, is a cure or remedy for the diseases for which it is prescribed, nor is it a competent or effective treatment.

The respondents are ordered to cease and desist from representing that use of the preparation known as "Guaranteed Antisepto Anti-Delay Compound," regular or super strength, or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, sold under any name, is a competent, safe or scientific treatment for delayed menstruation or that their use will have no ill effects upon the human body, or that use of the preparation known as "Guaranteed Prosaid Gland Medicine" or any similar preparation sold under any name, is a cure for or has any therapeutic value in the treatment of prostrate gland weakness or inactivity.

The order also prohibits dissemination of advertisements which fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of users. (3867)

Carlysle Service—See Supreme Manufacturing Company.

Christopher Candy Company, manufacturer of candy at 4020 Avalon Boulevard, Los Angeles, has been ordered to cease and desist from selling or supplying to dealers or others candy or other merchandise so packed and assembled that sales to the general public are to be made by means of a game of chance, gift enterprise or lottery scheme; supplying or placing in the hands of others assortments of candy together with lottery devices to be used in selling or distributing the candy to ultimate purchasers; supplying push cards, punch boards or other lottery devices either in assortments of candy or separately, when such devices are to be used in selling or distributing the candy, and selling or otherwise disposing of candy by means of a game of chance, gift enterprise or lottery scheme. (3394)

Educational Products Company—See Antisepto Products Company.

E. Fougera & Company—See Perasthman Company, Inc.

Marvo Manufacturing Company—See Supreme Manufacturing Company.

Old Mission Tablet Company—E. W. Knowlton, trading as Old Mission Tablet Company, Pasadena, Calif., has been ordered to cease and desist from misrepresentations made in radio broadcasts and in advertisements in newspapers, magazines and other publications, that "Old Mission Tablets" or "O-M Tablets" are identical with the preparation which helped build up the reputation of one of the greatest stomach and kidney specialists in the United States, or are one of the greatest tablets offered for general run-down stomach condition.

The respondent also is ordered to cease representing that the preparation is one of the largest selling or most favored tablets for such condition, is an effective treatment for stomach or digestive troubles caused by costive weakened digestive system, or is an effective treatment for congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks, unless such representations disclose that such effectiveness is limited to cases where such conditions are caused primarily by constipation. (3664)

Peerless Manufacturing Company—See Supreme Manufacturing Company.

Perasthman Company, Inc., 276 Fifth Ave., New York, manufacturer of a proprietary medicine designated "Perasthman" or "Perasthman Tablets," advertised as an alleged remedy for asthma, and E. Fougera & Co., Inc., 75 Varick St., New York, its exclusive distributing agent, are ordered to cease and desist from misrepresentations of the product's efficacy as an asthma treatment.

The Commission finds that the principal ingredient of the preparation is ephedrine, which is not safe for use by persons with heart or kidney ailments except in limited quantities and under competent medical supervision. The respondents are ordered to cease and desist from representing that the preparation is an effective treatment or a cure for asthma, or that it has any therapeutic value in the treatment of asthma other than affording, in some cases, temporary relief from some of the symptoms of asthma; that the preparation is harmless or will assure sufferers from asthma nights of restful sleep or days of greater comfort, or will stop wheezing or other symptoms of asthma.

The respondents also are ordered to desist from use of advertising which fails to reveal that the preparation is not safe if used in self-medication by members of the lay public suffering from heart and kidney ailments. (3719)

Sanitol Products Company—See Antisepto Products Company.

Supreme Manufacturing Company—C. C. Johnson, 1014 City National Bank Building, Omaha, Nebr., trading under the names Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company, has been ordered to cease and desist from representing that the use of a preservative or mending powder distributed by him will strengthen silk hosiery or lingeries, or save 50 per cent of its cost.

Among representations made to prospective customers, and on labels attached to the product, the Commission finds, were the following: "Prevents the runs and snags in your silk hosiery and lingerie . . . strengthens the heel and toe of your hosiery, thereby making them last four or five times longer . . . this treatment is permanent . . . now this product will cut your hosiery and lingerie expense in half . . . also prevents the silk from rotting, and one treatment is sufficient for the life of the hose."

Findings of the Commission are that the product will not accomplish any of the results claimed, and that respondent is not its manufacturer. The Commission's order is that C. C. Johnson, trading under any name or names, cease representing that use of the product will prevent runs and snags in or the rotting and fading of hosiery and lingerie; that its use can save the purchaser approximately 50 per cent of the cost of silk lingerie and hosiery; that hosiery treated with the product will last four or five times longer than it would without being so treated; that its use will result in any substantial increase in the wearing qualities of silk hosiery, or that the respondent is the manufacturer of the product, unless or until such is the fact. (3712)

XL Products Company—See Antisepto Products Company.

Zanol Products Company—See American Products Company.

Reports

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 47, November 24, 1939

Broadcasting of Phonograph Records

The members have been advised of the decision of the Trial Court in RCA v. Whiteman last July, RCA's subsequent demand for payment by stations, the meetings of the Special NAB Committee with representatives of the phonograph-record manufacturers, the postponement by RCA of the effective date of license agreements to December 1st, and the appeals taken by Whiteman, RCA and WNEW from the decision of the trial court to the United States Circuit Court of Appeals (NAB Reports, July 21, August 11, 18, 25, September 1, October 27, 1939).

Because these appeals clearly indicated that none of the parties was fully satisfied with the decision of Judge Leibell in the District Court, Neville Miller last week discussed a further postponement with RCA representatives. He was told, however, that RCA would proceed on December 1st with its broadcast-station licensing campaign. Accordingly, the members should be informed of a number of additional facts bearing on the situation.

At the last annual convention of the American Federation of Musicians held in June, several resolutions dealing with the broadcasting of phonograph records were introduced and referred to the International Executive Board with power to act. The effect of these resolutions was to direct the Board to investigate the feasibility of having all union musicians who make records assign to AFM all of their property rights in perpetuity and to forbid all union members engaged in such recording work from making records unless a waiver or release had first been secured from AFM.

In September as a direct result of RCA's favorable Court decision followed by its campaign to license broadcasting stations, AFM addressed to all locals and members of AFM the following communication:

> "The attention of the Federation has again been called to the fact that various recording companies, as a result of recent court decisions, are using every effort, through contractual provisions, to have members who make records assign their property rights therein to the recording companies.
>
> "As a result, the International Executive Board has adopted the following rule: 'Any member who assigns any property right in any recording to any recording company, or to any other party without the consent of the American Federation of Musicians, by such action gives notice to the Federation and makes effective immediately his resignation from the A. F. of M.'
>
> "This rule is effective immediately and will be strictly enforced."

The above letter was described at AFM headquarters as purely a precautionary measure to protect the rights of their members engaged in making records. Up to the present date

(Continued on page 3850)

NAB Reports
The National Association of Broadcasters
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

BROADCASTING OF PHONOGRAPH RECORDS

(Continued from page 3849)

the International Executive Board of AFM has not adopted any other rule and so far as is known the rule above quoted has as yet not resulted in any resignations of AFM members.

The National Association of Performing Artists has informed broadcasters that RCA is not authorized to exact royalties on behalf of members of that organization. NAPA is the association which instigated and financed the Waring suit in Pennsylvania, the Whiteman and Crumit suits in New York and several other suits in other states. Recently Jimmie Walker, former New York City mayor, was elected president of NAPA in place of Fred Waring who becomes chairman of its Board.

The Music Publishers Protective Association, comprising practically all of the leading music publishers, notified all broadcasters that the licensing campaign of the phonograph record manufacturers was not authorized or sanctioned by its members. MPPA further stated:

> "The recording licenses granted to the record manufacturers by the copyright owners do not give them the right to demand from you license fees for the broadcasting of phonograph records."

NAPA has approached MPPA looking towards an alliance for the collection of royalties from cafes, dance halls and other establishments using coin-operated phonographs, with a split of the royalties between NAPA and MPPA. It is understood MPPA has not entered into any such arrangement and will not do so unless its members approve of the idea. Anyway, the scheme is said not to embrace broadcasting; therefore, at the moment broadcasters are not affected by the potentialities of such an arrangement.

It is expected that either the MPPA or one of its publisher members will attempt to intervene in the appeal in RCA v. Whiteman on the ground that the decision below was erroneous in that the engrafting of a common-law right on the copyrights of the publishers was improper and interfered with the publishers' copyrights and its business of licensing the use of its compositions.

RCA will on December 4th argue a motion made by it to dismiss the appeal of WNEW on the ground that the appeal is moot, the station having taken out a license with RCA for the broadcasting of RCA and Bluebird records. This motion will be vigorously opposed.

Station owners should also consider the effect of the contracts they hold with AFM based upon the settlement by IRNA and NCIB of the musicians' union controversy involving, among other things, the use of phonograph records. The current negotiations between IRNA and AFM should also be borne in mind as the use of records is involved in the discussions. Consideration should also be given to the fact that in order to make phonograph records the manufacturers must each hold licenses from AFM and that AFM, at the termination of its present licenses with the recording companies, may be in a position to exact certain terms regarding the ownership of the property rights, if any, that exist in the records.

It is apparent that the rights claimed by RCA are challenged at every turn. It is understood that NAPA and the music publishers each wish half of any royalties collected from broadcasters by the record manufacturers so that no revenue would remain for the record manufacturer. NAPA wants to own whatever property rights there are for the benefit of their band-leader members. AFM does not sanction NAPA's ownership because it does not take into account the work of the individual members of the orchestras and vests all rights in band leaders through NAPA. AFM therefore wants to control these rights. The music publishers contend that RCA does not have the right to license phonograph records for broadcasting. NAPA through Whiteman's appeal contests the injunction obtained by RCA against Whiteman and the station. The station contests the injunctions obtained by both RCA and Whiteman. RCA contests the injunction obtained by Whiteman against the station and objects to the Court failing to find a property right in RCA by virtue of its manufacturing skill. In other words, no one is satisfied.

The NAB believes it is of the utmost importance that the rights of broadcasters be fully protected and has retained legal counsel to represent broadcasters' interests in the RCA vs. Whiteman case. Until the whole issue is settled, the NAB will continue its efforts to protect the interests of broadcasters.

CODE COMMITTEE TO MEET WOMEN'S GROUPS

Distinguished national and state leaders of women's clubs will have a luncheon-conference meeting with members of the Code Compliance Committee next Wednesday, following the Committee's two meetings at Headquarters, November 28-29. Neville Miller, president of the NAB, will preside at the luncheon.

The meeting of the Code Compliance Committee has been called by its chairman, Edgar Bill. A full attendance is expected.

Details of the Code, with especial reference to its social aspects in the children's section will be stressed. It is anticipated that further cooperative effort between state and local women's groups and member stations will follow.

HUGH JOHNSON JOINS THOSE APPROVING CODE

General Hugh S. Johnson this week added his strong voice to those who have approved the new NAB Code. Appearing on the American Forum of the Air, over the Mutual Broadcasting System, last Sunday night, General Johnson expressed further approval of the controversial issue section: "If I understand the Code, it is the best that could have been written. There remains only the question of method—how best to provide the public with adequate and efficient radio debate—whether on sponsored or sustaining programs. That presents a real problem, but it is certainly not beyond the ingenuity of this up and coming industry. Let's speed it up."

Appearing on the same round-table discussion were Morris Ernst, prominent attorney and counsel for the American Civil Liberties Union; Martin Codel, publisher of *Broadcasting Magazine,* and Ed Kirby, NAB Director of Public Relations and secretary of the Code Compliance Committee.

Admitting that his organization, the American Civil Liberties Union had endorsed the Code, Mr. Ernst, in expressing disapproval of the Code, said that "even the Civil Liberties Union believes in individual free speech of its members." He declared that he believed the United States has the freest and best radio programs in the world, but that he was "worried about the Code no matter how idealistic it is in principle because of the threat implicit in the increasing concentration of broadcasting power in the hands of a few companies. It will be wholesome for the broadcasters if the public keeps an eye on the operations of this Code, particularly if the Code should ever have incorporated in it a referee, arbiter or enforcer."

Mr. Codel, in opening the discussion, pointed out that the Code had been the result of nearly a year's work by experienced broadcasters representing every section of the industry, that it had been submitted last spring to both the industry and the public, and that it had been considered and passed at the last convention of the NAB. "The language is clear and simple. Yet there has been more bunk spread around about what the Code means and what it doesn't mean than anything in recent days in radio." Mr. Codel reviewed the names of some of those individuals and organizations who were objecting to the Code, as well as those who had expressed approval.

In his remarks, Mr. Kirby stated: "The listener expects more from his radio set than a continuous flow of political harangue." He declared that each radio manager endeavors to program his station with sufficient variety so as to cater to the interests of the greatest number of listeners, serving the social, educational, religious and cultural needs of all. He stated that though we have 130,000,000 citizens each with the right of free speech, we have just some 800 radio stations. "Suppose everybody wanted to exercise his right of free speech at the same time on each of the stations? Actually this is impossible. Practically it is absurd. Yet there are those newly-become students of broadcasting who would have it this way." He pointed out that we manage our affairs through a system of "representative spokesmen in a representative government. The NAB Code extends the same American precept to radio."

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Labor

THURMAN ARNOLD DISCUSSES ILLEGAL LABOR PRACTICES

Thurman Arnold, Assistant Attorney General in charge of the Justice Department's anti-trust division, made an interesting statement this week regarding certain union labor practices which he felt were illegal.

Although the statement dealt primarily with the building trades, it might be construed to apply to certain practices in the broadcasting industry.

The statement, printed in full below, was in the form of a letter to the secretary of the Central Labor Union (A. F. of L.) in Indianapolis, who had inquired about the recent indictment of a number of building union leaders, under the Sherman Act, in federal courts.

"Dear Sir:

"I reply to your letter inquiring about the application of the anti-trust laws to labor unions. I make this reply public because numerous other inquiries similar to yours indicate widespread public interest in the question.

"The anti-trust laws should not be used as an instrument to police strikes or to adjudicate labor controversies. The right of collective bargaining by labor unions is recognized by the anti-trust laws to be a reasonable exercise of collective power. Therefore, we wish to make it clear that it is only such boycotts, strikes or coercion by labor unions as having no reasonable connection with wages, hours, health, safety, the speed-up system or the establishment and maintenance of the right of collective bargaining which will be prosecuted.

"The kind of activity which will be prosecuted may be illustrated by a practice frequently found in the building industry. Suppose a labor union, acting in combination with other unions who dominate building construction in a city, succeeds by threats or boycotts in preventing the use of economical and standardized building material in order to compel persons in need of low-cost housing to hire unnecessary labor.

Not Private Police Force

"Here is a situation with no reasonable connection with wages, hours, health, safety, or the right of collective bargaining. The union may not act as a private police force to perpetuate unnecessarily costly and uneconomic practices in the housing industry. Progressive unions have frequently denounced this 'make work' system as not to the long-run advantage of labor. Such unions have found it possible to protect the interests of labor in the maintenance of wages and employment during periods of technological progress without attempting to stop that progress.

"Preventing improved methods of production—as distinguished from protecting labor from abuses connected with their introduction—is, of course, not the only labor activity which goes beyond any legitimate labor purpose. We cite the example to emphasize the fact that union practices may become illegal where they have no reasonable connection with such legitimate objectives as wages, hours, safety, health, undue speeding up or the right of collective bargaining.

"We have no choice in this matter. Such practices go beyond even the dissenting opinions of the Supreme Court of the United States. which recognize a broader scope for the legitimate activities of labor unions than the majority opinions. In our anxiety to be fair to labor we are not subjecting to criminal prosecution practices which can be justified even under the dissenting opinions of the United States Supreme Court.

"In the present building investigation, a large number of legitimate activities of labor unions have been brought to our attention by complaint. We have been asked to proceed against unions because they maintain high rates of wages, because they strike to increase wages, and because they attempt to establish the closed shop. We have consistently disregarded all such requests.

Conflict of Opinions

"Refusals by unions to work upon goods made in non-union shops have also been brought repeatedly to our attention. In the past, courts have held that such secondary boycotts are violations of the anti-trust laws. In the Duplex and Bedford cut stone cases a minority of the Supreme Court presented the argument against this view. In view of this unsettled conflict of opinion among judges of the highest court as to the reasonableness of such activities we have instructed the attorneys in the building investigation not to institute criminal prosecutions in such cases.

"The types of unreasonable restraint against which we have recently proceeded or are now proceeding illustrate concretely the practices which in our opinion are unquestionable violations of the Sherman Act, supported by no responsible judicial authority whatever.

"1. Unreasonable restraints designed to prevent the use of cheaper material, improved equipment, or more efficient methods. An example is the effort to prevent the installation of factory-glazed windows or factory-painted kitchen cabinets.

"2. Unreasonable restraints designed to compel the hiring of useless and unnecessary labor. An example is the requirement that on each truck entering a city there be a member of the local teamsters' union in addition to the driver who is already on the truck. Such unreasonable restraints must be distinguished from reasonable requirements that a minimum amount of labor be hired in the interests of safety and health or of avoidance of undue speeding of the work.

"3. Unreasonable restraints designed to enforce systems of graft and extortion. When a racketeer, masquerading as a labor leader, interferes with the commerce of those who will not pay him to leave them alone, the practice is obviously unlawful.

"4. Unreasonable restraints designed to enforce illegally fixed prices. An example of this activity is found in the Chicago milk case, where a labor union is charged with combining with distributors and producers to prevent milk being brought into Chicago by persons who refuse to maintain illegal and fixed prices.

"5. Unreasonable restraints, designed to destroy an established and legitimate system of collective bargaining. Jurisdictional strikes have been condemned by the A. F. of L. itself. Their purpose is to make war on another union by attacking employers who deal with that union. There is no way the victim of such an attack may avoid it except by exposing himself to the same attack by the other union. Restraints of trade for such a purpose are unreasonable whether undertaken by a union or by an employer restraining trade or by a combination of an employer and a union, because they represent an effort to destroy the collective bargaining relationships of a union with an employer.

Equal Responsibility

"The principle applicable to unions is the same as that applicable to other groups specially protected by law. Investors may combine into a corporation, farmers into a co-operative, and labor into a union. The anti-trust division has the duty to prevent the use of such legal rights of association in an illegal way for purposes far different from those contemplated in the statutes.

"Unions stand to gain by the vigorous performance of this duty. In the past most labor cases under the Sherman Act have arisen through private suits instituted without public responsibility and often conducted as a part of a struggle to destroy a union or to avoid dealing with it. Organized labor suffers when the selection of labor cases under the Sherman Act and the presentation of argument in such cases is left in the hands of those who may be hostile to organized labor itself. By contrast, enforcement of the law by officials with a public duty to be fair, consistent, and constructive involves an equal care to protect legitimate union activities and to prevent unlawful ones. In such enforcement, labor and the public will necessarily be informed as to the boundary between lawful and unlawful union action; and by virtue of such information the harassment of unions by unjust private suits will become more difficult. Sincerely,

"THURMAN ARNOLD,
"Assistant Attorney General."

Editorial reaction was extremely favorable. The *Washington Post* called the statement "forthright and constructive" and said "progressive labor groups are not likely to challenge this policy." The *Philadelphia Record,* a pro-labor paper, called it "clear thinking on labor's malpractices," adding that the majority of labor unions were not guilty of such "but because these abuses are so flagrant, so indefensible, all organized labor suffers." The Baltimore *Sun* remarked that "tolerant Mr. Arnold finds some union policy intolerable" while the New York *Herald-Tribune,* probing deeper, wondered whether "the President's desire for labor peace has something to do with this sudden threat of prosecution?" William Green, A. F. of L. president, addressed a letter to Attorney General Murphy, however, protesting the Arnold statement and concluding "it seems inconceivable to me that an Administration notable for its friendliness to labor should adopt a retrogressive policy advocated hitherto only by the most extreme reactionary enemies of labor." Mr. Green maintained that labor organizations were wholly exempt from the anti-trust laws.

A. F. OF M. NEGOTIATIONS

November 1—The IRNA executive committee met with representatives of the networks to canvass the situation and to discuss policy with regard to the expiration of A. F. of M. agreements expiring January 17, 1940.

Present: Messrs. Rosenbaum, Ethridge, Damm and Shepard for IRNA; Messrs. Klauber, Wood and Lowman for the networks; Mr. Lafount of the Independents, and J. L. Miller of the NAB.

November 2—The IRNA executive committee met the executive board of the A. F. of M. The working of the present agreements was discussed. The A. F. of M. board announced it wanted an additional $1,500,000 annual expenditure for staff musicians by network affiliates and an increase of $60,000 at each key station by the three major networks.

Present: Messrs. Rosenbaum, Damm and Shepard for IRNA; Messrs. Wood, Lowman and Seebach for the networks; Mr. Lafount of the Independents and J. L. Miller of the NAB. It was explained that Messrs. Lafount and Miller were present as observers.

November 17—The IRNA board of directors met alone and with representatives of the networks, to discuss what answer should be given to the A. F. of M.

Present: Messrs. Rosenbaum, Carpenter, Craney, Damm, Ethridge, Lounsberry, Morency, O'Fallon, and Shepard for IRNA; Messrs. Lohr, Klauber, Streibert, Wood, Lowman and Ream for the networks; J. L. Miller of NAB.

November 20—An IRNA committee met with the A. F. of M. executive board, and proposed that the matter of new agreements be left to individual stations and local unions. This the A. F. of M. board rejected. The IRNA committee then proposed an attempt to make a new national settlement if the A. F. of M. would discuss changes in Schedule A of the present national settlement and would agree to substantially the same total expenditure now required. The A. F. of M. board said it would reply to this second proposal after executive consideration. A copy of the IRNA statement, read by Mr. Rosenbaum, was mailed to all broadcasters.

Present: Messrs. Rosenbaum, Ethridge, Shepard, and Norton for IRNA; Messrs. Wood, Lowman, Streibert and Seebach for the networks; J. L. Miller of NAB.

FREE OFFERS

Flower Industries Council, who want stations to use publicity intended to promote the sale of flowers for Christmas, is the only free offer reported to NAB this week. The Bureau of Radio Advertising has invited them to use radio on a regular basis, in which case they will be assured of 100% station cooperation and results that will more than justify the expenditure.

COST-PER-INQUIRY

Ken Hoffman (Christmas Cards) is an enterprising citizen of New York City, who would like stations to sell his Christmas cards on a percentage basis, at the same time serving as a clearing house for orders. NAB has advised him that member stations consider this bad business practice, and has expressed the hope that he can see fit to buy time at stations' quoted card rates, with correspondingly improved results.

DECEMBER COMING EVENTS

December 3-10	—International Golden Rule Week
December 16	—Boston Tea Party, 1773 —Beethoven, composer, born 1770
December 17	—John Greenleaf Whittier, born 1807 —Wilbur Wright's first flight, 1903
December 21	—Forefather's Day—Landing of Pilgrims in 1620 (celebrated mostly in New England)
December 22	—Winter Begins Today
December 25	—Christmas Day
December 31	—New Year's Eve.

KENTUCKY BROADCASTING CORPORATION ORDERED TO SHOW CAUSE

The Federal Communications Commission on its own motion, ordered the Kentucky Broadcasting Corporation to show cause, on or before December 5th, why a construction permit issued to that corporation for a new station at Louisville should not be recalled on the ground that the concern is not financially qualified to construct and operate the proposed station in the public interest.

On February 8, 1939, the Commission granted the construction permit for the proposed Louisville station, to use 1210 kilocycles, 100 watts night and 250 watts day, unlimited time. On October 10, 1939, the Commission, without hearing, authorized the Northside Broadcasting Corporation to increase hours of operation of its station (WGRC), at New Albany, Indiana, from daytime only with 250 watts power to unlimited time with the same power.

On October 30th the Kentucky Broadcasting Corporation petitioned for rehearing of the Northside Broadcasting Corporation grant. It claimed that the authorization "would result in such severe loss of operating revenue to petitioner's proposed station as to impair the service which it could render" and, further, that "it would destroy the ability of the Kentucky Broadcasting Corporation to render proper service in the public interest." No facts were stated in the petition in the support of these conclusions.

In formally denying the Kentucky Broadcasting Corporation's request for rehearing, the Commission said:

> "Since the petitioner's station is not yet constructed, much less operating, and petitioner is not a licensee under the Act, and is not engaged in the operation of a broadcast station, it is difficult to see how proof of the allegations * * * would constitute proper grounds for a denial of Northside's application. At the most, such allegations cast serious doubts upon the petitioner's financial qualifications to construct and operate its proposed station."

In view of such "voluntary admissions as to its inability to operate its proposed station if the Northside Broadcasting Corporation is authorized to operate full time," the Commission issued its supplemental show cause order in the case of the Kentucky Broadcasting Corporation.

FCC CALLS ATTENTION TO TEMPORARY PERMIT RULES

Attention of broadcasters has been called by the Federal Communications Commission to its rules dealing with special temporary authorizations. In an official announcement on this subject this week the Commission said:

> The attention of all licensees of standard broadcast stations is called to the provisions of Section 1.365 of the Rules of Practice and Procedure. This section governs the filing and action on requests for special temporary authorizations. Two provisions are particularly called to the attention of these licensees. These provisions are briefly summarized as follows:
>
> 1. Requests must be made 10 days prior to the time of desired operation. In special cases where the request could not be made on time, a full explanation must be made in the request as a basis for acceptance.
> 2. The requests must be limited to temporary periods for the transmission of programs or events which are not recurrent.
>
> All requests for special temporary authorizations will be considered strictly under all other provisions of Section 1.365, as well as the two provisions outlined above. Requests for operation not in accordance with this section will not be granted.
>
> The provision requiring that the request be made 10 days prior to the desired time of operation means that events which are known 10 days in advance, such as the broadcast of election returns, addresses by prominent citizens, sports events, etc., must be filed 10 days before the event. In such cases a request for acceptance upon the basis that arrangements for the broadcast were not made 10 days prior to the event cannot be accepted. However, requests for operation in connection with an emergency or play-off of a sports event tie or championship which could not have been foreseen, would constitute a basis for requesting an exception to the requirement for filing 10 days in advance.
>
> Requests must be limited to temporary periods for transmission of programs which are not recurrent. This means, for example, that a program concerning a community chest drive, the dedication of a public building, an address by a prominent citizen, a sports event, etc., may be considered, provided that only the actual time required for such operation is involved. Additional time for holding the audience or for the convenience of the licensee is not in order. Requests to carry programs which are recurrent and extend over considerable time, particularly beyond a definite 30-day interval, cannot be considered as proper basis for a request for temporary operation. Requests for such operation should be made by formal application in accordance with the rules governing the same.
>
> Any licensee making a request for a temporary authorization should read carefully and must comply fully with all provisions of Section 1.365. Such procedure is essential to avoid unnecessary expense and delay in the handling of the request.
>
> Section 1.365 referred to is as follows:
>
> *Sec. 1.365 of the Rules of Practice and Procedure of the Federal Communications Commission*
>
> Sec. 1.365. *Special temporary authorizations.* (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor;[1] *Provided, however,* That no such request will be considered unless:
>
> (1) It is received by the Commission at least ten days previous to the date of proposed operation: *Provided, however,* That any such request received within less than ten days may be accepted upon due showing of sufficient reasons for the delay in submitting such request;
>
> (2) Full particulars as to the purpose for which the request is made are stated.
>
> (b) If the request is for operation of a standard broadcast station, the following additional requirements shall apply:
>
> (1) No such authority may be granted to a person other than the licensee of an existing standard broadcast station.
>
> (2) The request shall be limited to a definite or temporary period or periods for the transmission of programs or events which are not recurrent, and approval thereof will not be granted for a period in excess of thirty days.
>
> (3) The request shall show that it has been seasonably submitted to other stations whose operations may be affected (to be determined as indicated below), and the date on which such request was so submitted, which such stations shall submit direct to the Commission waiver of objection to the granting thereof or a statement of the nature of any objections that such stations may desire to interpose.
>
> (4) If the request is for operation upon a clear channel, showing required above shall be made with respect to the Class I station or stations on the channel.
>
> (5) If the request is made by time sharing station, the showing required above shall be made with respect to the station or stations with which time is shared.
>
> (6) In any case, the showing required above must be made with respect to any station on the same or adjacent channels when any such station is located within the interference range of the station making the request to be determined by the "Standards of Good Engineering Practice Concerning Standard Broadcast Stations."
>
> (7) Waiver of objections, or statement of objections, when furnished under this rule, shall be forwarded direct to the Commission by the responding station, and in the case of waiver shall show whether the waiver covers simultaneous operation or whether the station is giving up the time sought by the applicant. Where it appears that the proposed operation has been seasonably submitted to the station or stations referred to in subparagraphs (4), (5), and (6), above, and no reply has been received, it will be considered that such stations have waived any objections to the granting of the request.

FCC RULES AMENDED

Section 1.142 of the FCC Rules of Practice and Procedure was amended, effective immediately, to read as follows:

> "Unless otherwise specifically provided, an original and fourteen copies of all petitions, motions, pleadings, and other documents required or permitted to be filed under these rules shall be furnished the Commission."

BROADCAST MEASUREMENTS

During October the Federal Communications Commission measured 714 broadcast stations, leaving 82 not measured.

Six hundred and thirty-six stations showed a maximum deviation within 0-10 cycles; 68 stations within 11-25 cycles; 8 stations within 26-50 cycles; and 2 stations over 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has adopted a final order granting the applications of KQV, **Pittsburgh, Pa.,** and WNBC, **New Britain, Conn.,** for modification of licenses: KQV for authority to operate on frequency **1380 kilocycles** with 1000 watts, unlimited time, using directional antenna at night, and to change the phasing of directional antenna, instead of 500 watts night, 1000 watts LS, using directional antenna at night; and WNBC to operate on the same frequency with 1000 watts, unlimited time, using directional antenna, instead of 250 watts night, 1000 watts LS.

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[1] Informal Applications.

An amendment to a final order of the Commission has been adopted in connection with the granting of the application of the Saginaw Broadcasting Company for the erection of a new station at **Saginaw, Michigan,** to operate **1200 kilocycles,** 100 watts night, 250 watts LS, with specified hours of operation, and the application of Gross and Shields for a new station also at Saginaw to operate on **950 kilocycles,** 500 watts, daytime hours, calling for the approval by the Commission of the transmitter site.

Final order was adopted by the Commission granting the application of Vincennes Newspapers, Inc., for construction permit to erect a new station at **Vincennes, Indiana,** to operate on **1420 kilocycles,** 100 watts, unlimited time.

The Commission denied in an order the request of Yuba-Sutter Broadcasters, **Marysville, Calif.,** to reopen the proceedings for the purpose of adducing additional evidence, and for authority to amend its application. The Commission adopted its proposed findings of fact and entered its decision denying the application of the company to operate a new station at Marysville on **1320 kilocycles,** 250 watts, unlimited time, using a directional antenna after local sunset.

Final order was also adopted by the Commission granting the application of WJMS, Inc., for a construction permit to erect a new station at **Ashland, Wisconsin,** to operate on **1370 kilocycles,** 100 watts, unlimited time, subject to certain conditions.

FINDING OF FACT

The Federal Communications Commission has announced its proposed finding of fact proposing to grant the application of WJBO, **Baton Rouge, La.,** and WAPO, **Chattanooga, Tenn.,** WJBO for a construction permit to operate with 1000 watts on **1120 kilocycles,** instead of 500 watts, unlimited time, and WAPO for authority to change its frequency from **1420 kilocycles,** 100 watts night, 250 watts day LS, unlimited time to **1120 kilocycles,** 500 watts night, 1000 watts day on an unlimited time basis, employing a directional antenna at night.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, November 27. It is subject to change.

Friday, December 1

Hearing Before Paul A. Walker, Commissioner,

To Be Held in Grand Jury Room No. 212, U. S. Court House, Phoenix, Arizona

KUMA—Albert H. Schermann, Yuma, Ariz.—Hearing upon Order of Revocation of License of Station KUMA.

FUTURE HEARING

During the week the Commission has announced the following tentative date for a broadcast hearing. It is subject to change.

January 29

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.,** 1 KW, limited time (KEX and KOB).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KPDN—R. C. Hoiles, Pampa, Tex.—Granted modification of license to increase hours of operation from daytime to unlimited, using present frequency **1310 kc.** and power of 100 watts.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted modification of license to change time of operation from specified hours to unlimited.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts.

WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted modification of construction permit to make changes in directional antenna system and increase night power from 250 watts to 1 KW, employing directional antenna system for nighttime operation; also extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

WOW—Woodmen of the World Life Ins. Society, Omaha, Nebr.—Granted construction permit to move transmitter site locally, install new equipment, and increase night power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.

WROL—S. E. Adcock and S. E. Adcock, Administrator of Estate of Ruth Adcock, deceased, Knoxville, Tenn.—Granted authority to transfer control of Stuart Broadcast Corporation (licensee of Station WROL) to S. E. Adcock.

WBNS, Inc., Columbus, Ohio.—Granted construction permit for new high frequency broadcast station to operate on **43000 kc.,** with 250 watts, special emission for frequency modulation, unlimited time.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted modification of license to increase night power from 100 to 250 watts.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted modification of license to increase time of operation from daytime only to unlimited, using 250 watts day and night.

WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of license to increase night power from 100 to 250 watts.

KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted modification of license to increase night power from 100 to 250 watts.

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—Granted modification of license to increase night power from 100 to 250 watts.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted modification of license to increase night power from 100 to 250 watts.

KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license to increase night power from 100 to 250 watts.

WDAH—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license to increase night power from 100 to 250 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KADA, Ada, Okla.; KALB, Alexandria, La.; KAND, Corsicana, Tex.; KARM, Fresno, Calif.; KAST, Astoria, Ore.; KDLR, Devils Lake, N. Dak.; KDON, Monterey, Calif.; KFDA, Amarillo, Tex.; KFJB, Marshalltown, Iowa; KFOR, Lincoln, Nebr.; KFPL, Dublin, Tex.; KFXJ, Grand Junction, Colo.; KFXM, San Bernardino, Calif.; KGDE, Fergus Falls, Minn.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGLO, Mason City, Iowa; KGY, Olympia, Wash.; KHUB, Watsonville, Calif.; KITE, Kansas City, Mo.; KLAH, Carlsbad, N. Mex.; KMLB, Monroe, La.; KOCY, Oklahoma City, Okla.; KOOS, Marshfield, Ore.; KPDN, Pampa, Tex.; KPFA, Helena, Mont.; KPMC, Bakersfield, Calif.; KRBA, Lufkin, Tex.; KVNU, Logan, Utah; KVOL, Lafayette, Ind.; KVSF, Santa Fe, N. Mex.; KVSO, Ardmore, Okla.; KWG, Stockton, Calif.; KWOC, Poplar Bluff, Mo.; WABI, Bangor, Maine; WAML, Laurel, Miss.; WBBL, Richmond, Va.; WBRB, Red Bank, N. J.; WCLO, Janesville, Wis.; WCLS, Joliet, Ill.; WCMI, Ashland. Ky.; WCOU. Lewiston, Maine; WCOV, Montgomery, Ala.; WEMP, Milwaukee, Wis.; WEST, Easton, Pa.; WEXL, Royal Oak, Mich.; WFBG, Altoona, Pa.; WFDF, Flint, Mich.; WFOY, St. Augustine, Fla.; WGBB, Freeport, N. Y.; WGRM, Grenada, Miss.; WHAT, Philadelphia, Pa.; WHBU, Anderson, Ind.; WHBU, Green Bay, Wis.; WIBU, Poynette, Wis.; WJBY, Gadsden. Ala.; WJEJ, Hagerstown, Md.; WJIM, Lansing, Mich.; WJMC, Rice Lake, Wis.; WJNO, West Palm Beach, Fla.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WLBC, Muncie, Ind.; WLOK, Lima, Ohio; WNBH, New Bedford, Mass.; WOMT, Manitowoc, Wis.; WQXR, New York City; WRAL, Raleigh, N. C.; WRAW, Reading, Pa.; WRBL, Columbus, Ga.; WROL, Knoxville, Tenn.; WSAJ, Grove City, Pa.; WSAY, Rochester, N. Y.; WSGN, Birmingham, Ala.; WSNJ, Near Bridgeton, N. J.; WTAX, Springfield, Ill.; WTHT, Hartford, Conn.; WTMA, Charleston, S. C.; WSOY, Decatur, Ill.; WWAE, Hammond, Ind.; KBTM, Jonesboro, Ark.; KHBG, Okmulgee, Okla.; KSUN, Lowell, Ariz.; KVOX, Moorhead, Minn.

WBNS—WBNS, Inc., Columbus, Ohio.—Granted renewal of license for auxiliary transmitter for the period ending August 1, 1940.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted renewal of license for the period ending August 1, 1940.

WRR—City of Dallas, Texas, Dallas, Tex.—Granted renewal of license for the period ending June 1, 1940.

WRR—City of Dallas, Texas, Dallas, Tex.—Granted renewal of license for auxiliary transmitter for the period ending June 1, 1940.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

KFXD—Frank E. Hurt, Nampa, Idaho.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

KWJB—Sims Broadcasting Co., South of Globe, Ariz.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

WBRY—American Republican, Inc., Waterbury, Conn.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, but in no event longer than January 1, 1940.

KGBU—Alaska Radio & Service Company, Inc., Ketchikan, Alaska. —Present license further extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Present license extended on a temporary basis only for the period ending October 1, 1940, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Bellingham Broadcasting Co. for construction permit, nor upon the application for renewal of license of KVOS, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms of the temporary license.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license on a temporary basis only for the period ending October 1, 1940, subject to whatever action may be taken by the Commission upon pending application for renewal.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted renewal of license on a temporary basis only for the period ending October 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

The following relay broadcast stations were granted renewals for the regular period:

WLWC, area of Cincinnati; KEGR, area of Seattle; WEIA and WEIB, area of Schenectady; WEIO, WEIN, WEIP, area of Milwaukee; KEIF, area of Fort Worth, Tex.; KEIH, area of Denver; WEIQ, area of New York City; KEIQ, KEIR, area of Los Angeles; KEIS, area of Kansas City, Mo.; WEJA, area of New York City; WEJC, area of Washington, D. C.; WEJH, area of Chicago; KEJH, KEJI, area of San Francisco; KEIX, KEIW, area of Denver; WEKJ, area of Pittsburgh, Pa.; WEOH, area of Richmond, Va.; KEGZ, area of Spokane, Wash.; WEKU, area of Hartford, Conn.; WELK, area of Springfield, Ill.; WEIK, area of Indianapolis.

KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Tex.—Granted renewal of relay broadcast station license for the period ending October 1, 1940.

MISCELLANEOUS

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on November 23, 24 and 25, instead of November 30, December 1 and 2, as authorized by grant of June 8, in order to observe Thanksgiving holidays.

KVAK—Carl Latenser, Atchison, Kan.—Granted special temporary authority to operate from 7 to 11 p. m., CST, on November 17, in order to broadcast Atchison High School v. Hiawatha Kansas High School football game only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts nighttime on November 17, in order to broadcast football game only.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted special temporary authority to operate a crystal controlled portable transmitter in the vicinity of New Bedford, Mass., using power of 50 watts, frequency **1360 kc.**, between the hours beginning one hour after sunrise and ending one hour prior to local sunset, for a period not to exceed 10 days, in order to conduct site survey.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with station KEEN from 7 p. m. to 12 p. m., Midnight, on November 18 and December 2, in order to broadcast Everett City election returns.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (December 4:15 p. m., EST) to midnight on December 12, using 1 KW power, in order to broadcast final election results of the city of Lawrence.

KWHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to use equipment described in construction permit granted October 23, with 100 watts power, frequencies **1622, 2058, 2150** and **2790 kc.**, for a period not to exceed 30 days, pending filing and action on application for license to cover said construction permit.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (November 5:00 p. m., EST) to midnight on November 21, 1939, in order to broadcast the proceedings attendant upon the Democratic Victory Banquet.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:30 p. m., EST, to the conclusion of the Mercer College v. Howard College football game on November 16, 1939, in order to broadcast football game only.

KUMA—Albert H. Schermann, Yuma, Ariz.—Adopted an order authorizing the Commissioner designated to preside at the hearing, to fix the time and place such hearing shall be held, to hear, consider, determine and act upon any and all petitions, motions, and other preliminary matters in connection with, or pertaining to, said proceedings which may arise prior to the date of said hearing.

E. B. Sturdivant, d/b as Silver Crest Theaters, Yuma, Ariz.—Adopted an order authorizing the Commissioner designated to preside at the hearing, to fix the time and place such hearing shall be held, to hear, consider, determine and act upon any and all petitions, motions, and other preliminary matters in connection with, or pertaining to, said proceedings which may arise prior to the date of said hearing.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted special temporary authority to use a 100-watt crystal-controlled Collins transmitter, operating on **1510 kc.,** during daylight hours, for the period November 15 to November 24, in order to make field intensity measurements.

WJRD—James R. Doss, Jr., Tuscaloose, Ala.—Granted special temporary authority to operate additional time from 7:00 p. m. to conclusion of game on November 16, 1939, in order to broadcast high school football game only.

WFTL—Tom M. Bryan, Ft. Lauderdale, Fla.—Granted modification of construction permit for approval of transmitter and studio sites at 403 Tarpon Drive, Ft. Lauderdale, Fla., and installation of vertical radiator.

KADA—C. C. Morris, Ada, Okla.—Granted special temporary authority to maintain studios at the transmitter site (Highway No. 48, 1 mile north of Ada, Okla.), for a period not to exceed 30 days, pending determination of studio site due to fire.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Texas.—Granted special temporary authority to rebroadcast transmissions between the ground and plane of Army Stations at Randolph Field over Radio Station KABC on November 16, 23, 30, December 7 and 14, 1939.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied extension of special temporary authority to operate unlimited time with 1 KW, for the period November 16, 1939, to not later than December 15, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs, and news of national and international events of extreme local interest, both of local origin and from the Columbia Broadcasting System.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with Station KBST from 4:45 p. m. to 6:00 p. m., EST, on November 24 and 30, 1939, in order to broadcast football games only.

WCLS—WCLS, Incorporated, Joliet, Ill.—Granted special temporary authority to operate additional time on December 5, 12, and 19, 1939, in order to broadcast high school football games only.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time from local sunset on November 19, 1939, in order to broadcast football game only.

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to remain silent on November 30, 1939, in order to observe Thanksgiving holiday.

WSVS—Elmer G. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on January 1, 1940, February 12 and 22, 1940, March 30, 1940 (noon) to March 31, 1940, May 30, 1940 and June 17, to September 8, 1940, in order to observe holidays and vacations as described in letter dated November 9, 1939.

KGER—Consolidated Broadcasting Corp, Ltd., Long Beach, Calif.—Dismissed without prejudice to the filing of another petition which complies with the Rules and Regulations of the Commission, the petition for leave to intervene in the hearing on the application of Broadcasting Corporation of America, for a new station in Riverside, Calif.

KFRU—KFRU, Inc., Columbia, Mo.—Granted peition to intervene in the hearing on the application of Stephenson, Edge and Korsmeyer, for a new station in Jacksonville, Ill., but denied request for enlargement of issues.

Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted petition for leave to amend application for new station.

Metropolitan Broadcasting Corp., Assignee, New York City.—Granted motion for continuance of hearing 60 days from November 27, on the application to assign license of Station WINS from Hearst Radio, Inc., to Metropolitan Broadcasting Corp.

W1XPW—WDRC, Inc., Meriden, Conn.—Granted extension of special temporary authority to rebroadcast over high frequency broadcast station W1XPW the transmissions from high frequency broadcast station W2XMN, for the period November 29 to December 28, in order to experiment as to the feasibility of such a system.

WHA—State of Wisconsin University of Wisconsin, Madison, Wis.—Granted special temporary authority to operate from local sunset (November 4:30 p. m., CST) to 5 p. m., CST, on November 18, in order to broadcast University of Wisconsin Homecoming football game only.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (November and December 5:15 p. m., CST) to 9 p. m., CST, on November 19, 26, and December 3, in order to broadcast church services only.

E. B. Sturdivant, d/b as Silver Crest Theaters, Yuma, Ariz.—Granted motion to dismiss without prejudice the application for a new station in Yuma.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Designated for hearing the application of WBHP for renewal of license on the issues relating to technical violations of the Commission's Rules and Regulations, and to determine whether applicant is capable or willing to operate the station in accordance with the Rules of the Commission.

KRSC—Radio Sales Corp., Seattle, Wash.—Adopted amended order in the matter of the application of KRSC for construction permit to make changes in transmitting equipment, move transmitter site and increase power, by adding a paragraph that permittee shall file with the Commission within two months after effective date of order, an application for modification of construction permit, specifying exact transmitter site.

Gateway Broadcasting Co., Louisville, Ky.—Denied petition for hearing or rehearing in the application of WGRC, Northside Broadcasting Corp., New Albany, Ind., for modification of license to increase hours of operation from daytime to unlimited, on frequency **1370 kc.,** with 250 watts power, which was granted by the Commission without a hearing on October 10, 1939.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Adopted an order authorizing the Commissioner designated to preside at the hearing in re the application of WHDH to change operating time from daytime (KOA) to unlimited, and increase power from 1 KW to 5 KW, to fix the time and place such hearing shall be held, to hear, consider, determine and act upon any and all petitions, motions, and other preliminary matters in connection with and pertaining to said proceedings.

KIEV—Cannon System, Ltd., Glendale, Calif.—Assigned Ralph L. Walker to preside at the hearing on the application for renewal of license for station KIEV, hearing to be held in the office of the Inspector in Charge, in Los Angeles, on December 7, 1939.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Denied petition for extension of effective date of final order in re Docket No. 5451.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted special temporary authority to perform site surveys in or near Hartford during the experimental period on frequency **1200 kc.,** with a portable modified radio telephone transmitter, 50 watts power, with unmodulated carrier, for a period not to exceed 10 days.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period November 20 to December 19, 1939.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. on December 5, 6, 7, 12, 13, 14, 19 and 20, and from 3 to 3:30 p. m., CST, on December 4, 11 and 18, in order to permit WNAD to broadcast special educational programs; to operate from 7:15 p. m. to 9:15 p. m., December 21, 26, and 28, and from 8:15 to 9:15 p. m., CST, on December 27, in order to permit WNAD to remain silent during Christmas vacation (provided WNAD remain silent).

WNAD—University of Oklahoma, Norman, Okla.—To operate from 2 to 3 p. m. on December 5, 6, 7, 12, 13, 14, 19 and 20, and from 3 to 3:30 p. m., CST, on December 4, 11 and 18, in order to broadcast special educational programs (provided KGGF remains silent); to remain silent from 7:15 to 9:15 p. m. on December 21, 26 and 28, and from 8:15

to 9:15 p. m., CST, on December 27, in order to observe Christmas vacation.

The Louisville Times Co., Louisville, Ky.—Granted construction permit for new low frequency relay broadcast station to operate on frequencies **1646, 2090, 2190** and **2830 kc.,** 50 watts.

J. T. Ward, d/b as WLAC Broadcasting Service (Nashville, Tenn.), Portable-Mobile.—Granted construction permit for new high frequency relay broadcast station to operate on frequencies **30820, 33740, 35820** and **37980 kc.,** 2 watts.

KIIQ—K. M. T. R. Radio Corp. (Los Angeles, Cal.), Portable-Mobile.—Granted construction permit for reinstatement of low frequency relay broadcast station to operate on frequencies **1622, 2058, 2150** and **2790 kc.,** 200 watts.

KBQA—Maxwell H. White & Herman R. Wiecking, d/b as Winona Radio Service, Portable-Mobile (area of KWNO, Winona, Minn.).—Granted license to cover construction permit for new low frequency broadcast station to operate on frequencies **1646, 2090, 2190, 2830 kc.,** 20 watts.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted license to cover construction permit authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted license to cover construction permit authorizing new station to operate on **880 kc.,** 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate a 50-watt site test transmitter, on the frequency **740 kc.,** in the vicinity of Portsmouth, during the experimental period when station WSB is not in operation, for a period not to exceed 10 days, in order to make a survey of a proposed new transmitter site for station WHEB.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted special temporary authority to operate unlimited time on November 23, in order to broadcast programs as described in letters received November 13.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time on November 23, in order to broadcast a football game only.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited to a minimum of 8 hours daily, for the period December 17, 1939, to January 3, 1940, in order to observe Christmas vacation.

WLWG—The Crosley Corp. (Cincinnati, Ohio—area of WLW and WSAI), Portable-Mobile.—Granted construction permit to make changes in equipment and increase power from 1 to 2 watts in High Frequency Relay Broadcast Station.

WLWH—The Crosley Corp. (Cincinnati, Ohio—area of WLW and WSAI), Portable-Mobile.—Granted construction permit to make changes in equipment of High Frequency Broadcast Station.

WLWI—The Crosley Corp. (Cincinnati, Ohio—area of WLW and WSAI), Portable-Mobile.—Granted construction permit to make changes in equipment of High Frequency Broadcast Station and increase power from 5 to 15 watts.

WOLS—O. Lee Stone, Florence, S. C.—Granted license to cover C. P. authorizing changes in composite equipment and increase power from 100 to 250 watts.

WEGS—Donald A. Burton, Muncie, Ind.—Granted license to cover C. P. for changes in equipment of High Frequency Relay Broadcast Station.

KORE—Eugene Broadcast Station, Eugene, Ore.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 to 250 watts.

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted modification of construction permit authorizing changes in equipment and extension of commencement date to 90 days after grant and completion date to 90 days thereafter.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna input.

WRAK—WRAK, Inc., Williamsport, Pa.—Granted authority to determine operating power by direct measurement or antenna input.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted license to cover C. P. authorizing move of transmitter site, changes in equipment and installation of vertical radiator.

Westinghouse Electric and Mfg Co. (Pittsburgh, Pa.), Portable-Mobile.—Granted construction permit for new high frequency relay broadcast station to operate on frequencies **31220, 35620, 37020** and **39260 kc.,** 2 watts. Also granted license to cover same.

Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to use a Beer-Mug type transmitter manufactured by Fred M. Link, Model No. 388, power 0.2 watt, under area license of station WEGK, instead of regularly licensed equipment, for a special pickup at Seven-Day Bicycle Races, Madison Square Garden, New York City, on November 20, on frequencies **31620, 35260, 37340, 39620 kc.**

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to rebroadcast two-wav communication between plane and ground on the frequencies **7385** and **6290 kc.,** at Chanute Field, Ill., on November 20, in connection with serial program concerning Army expansion.

KUMA—Albert H. Schermann, Yuma, Ariz.—Denied petition for indefinite postponement of hearing in re revocation of license of KUMA.

APPLICATIONS FILED AT FCC

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Modification of license to increase power from 1 KW; 5 KW day to 5 KW day and night.

590 Kilocycles

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Modification of construction permit B-P-2220, for change in frequency, increase in power, move of transmitter, install new transmitter and antenna, further requesting authority to increase power from 1 KW; 5 KW day to 5 KW day and night, and change name to Hawaiian Broadcasting System, Ltd.

630 Kilocycles

WPRO—Cherry & Webb Broadcasting Company, Providence, R. I.—Construction permit to use old W. E. 353 E-1, transmitter as an auxiliary move transmitter from 680 Barrington Parkway, E. Providence, R. I., to Wampanoag Trail, E. Providence, R. I. (site of new main transmitter), increase power from 500 watts; 1 KW day to 1 KW day and night, and use antenna described in construction permit B1-P-2369 as modified.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit B1-P-2339, to install new antenna and move transmitter, further requesting authority to install directional antenna for day and night.

800 Kilocycles

WBAP—Carter Publications, Inc., Fort Worth, Texas.—Authority to determine operating power by direct measurement of antenna power.

810 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of construction permit B2-P-1767, as modified, for increase in power, new equipment, new antenna, and move of transmitter, further requesting authority to install new transmitter.

890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter, make changes in antenna, change hours of operation from specified hours to unlimited time, increase power from 500 watts; 1 KW day to 1 KW; 5 KW day, move transmitter from Northwestern Ave., West Lafayette, Ind., to State Road #43, 3 miles north of Romney, Randolph Township, Ind.

900 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit to increase power from 1 KW; 5 KW day to 5 KW day and night, using directional antenna nighttime.

920 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of license to increase power from 1 KW; 5 KW day to 5 KW day and night, using directional antenna at night.

1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Clair, Wis.—Authority to determine operating power by direct measurement.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—License to cover construction permit B1-P-2327 for installation of directional antenna for night use.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of special experimental authority to operate simultaneously with KRLD (unlimited time) on **1040 kc.,** using directional antenna at night.

1110 Kilocycles

WRVA—Larus & Brothers Co., Inc., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 250 watts night, 1 KW day, to 5 KW day and night; and move transmitter from 231 West Michigan St., Milwaukee, Wis., to near Milwaukee, Wis.

1200 Kilocycles

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct measurement of antenna power.

WMOB—S. B. Quigley, Mobile, Ala.—Modification of construction permit B3-P-1983 as modified for a new station, requesting authority to make changes in transmitting equipment.

WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Modification of construction permit B2-P-2423 for a new station, requesting approval of antenna, new transmitter, and studio site at Sault Ste. Marie, Mich., and transmitter at south of town, Sault Ste. Marie, Mich.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Construction permit to install new transmitter and increase power from 100 to 250 watts day and night.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—License to cover construction permit B4-P-2107 for changes in equipment, antenna, frequency, power, and hours of operation.

WJBW—Charles C. Carlson, New Orleans, La.—Construction permit for equipment changes and increase in power from 100 watts to 250 watts.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Modification of construction permit B3-P-2213 for new station, requesting approval of antenna and approval of studio and transmitter site at near Cove Hotel, Panama City, Fla. Amended: to specify transmitter and studio site at First and Mercer Sts., Panama City, Fla., and antenna changes.

1210 Kilocycles

WFTM—Ft. Myers Broadcasting Co., Ft. Myers, Fla.—Modification of construction permit (B3-P-2444) for a new station, requesting approval of antenna and approval of studio and transmitter site at 51 E. First St., Ft. Myers, Fla., and increase night power from 100 to 250 watts.

WTMA—Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Broadcasting Co., Charleston, S. C.—Voluntary assignment of license from Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., to Atlantic Coast Broadcasting Co.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Construction permit to make changes in equipment, increase power from 100 to 250 watts, time from day to unlimited.

WJMC—Walter H. McGenty, Rice Lake, Wisc.—Authority to determine operating power by direct measurement.

KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to install new transmitter, antenna, increase power from 100 watts to 500 watts night, 1 KW day, change frequency from **1210** to **1440 kc.,** and move transmitter from Municipal Wharf, Monterey, Calif., to site to be determined, near Monterey, Calif. Amended: To omit request to move transmitter and omit request for changes in antenna.

NEW—Midland National Life Insurance Co., Watertown, S. Dak.—Construction permit for a new broadcast station to be operated on **1210 kc.,** 250 watts power, unlimited time, requesting facilities of KWTN.

WGCM—WGCM, Inc., Gulfport, Miss.—Construction permit to install new antenna, increase power from 100; 250 watts day, to 250 watts day and night, and move transmitter from Great Southern Country Club (East Beach, Gulfport), Mississippi City, Miss., to Arlington Heights, Gulfport, Miss.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Authority to determine operating power by direct measurement of antenna power.

KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show, Provo, Utah.—Modification of license to increase power from 100 watts; 250 watts day, to 250 watts day and night.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—License to cover construction permit (B3-P-2564) for new equipment.

1250 Kilocycles

WKST—Keystone Broadcasting Co., New Castle, Pa.—Modification of license to change corporate name to WKST, Inc.

1260 Kilocycles

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day to 5 KW day and night.

1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KWFC—Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Modification of construction permit (B3-P-2380) for a new station, requesting approval of antenna, installation of new transmitter, and approval of studio and transmitter site at 633 Central, Hot Springs, Ark.

KGEZ—Donald C. Treloar, Kalispell, Mont.—Construction permit to install new transmitter, increase power from 100 watts, to 1 KW, change frequency from **1310** to **1380 kc.**

WJPR—John R. Pepper, Greenville, Miss.—Modification of license to increase power from 100 watts; 250 watts day, to 250 watts day and night.

WGTM—WGTM, Inc., Wilson, N. C.—Authority to determine operating power by direct measurement.

NEW—Dixie Broadcasting Corp., La Grange, Ga.—Construction permit for a new broadcast station to be operated on **1310 kc.,** 250 watts power, unlimited time.

1370 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to move transmitter from Second and Rose Sts., Walla Walla, Wash., to site to be determined, Walla Walla, Wash., install new antenna, new transmitter, change frequency from **1370** to **1390 kc.,** and increase power from 100 watts to 1 KW. (Contingent on KRLC application B5-ML-902 for **1370 kc.**).

NEW—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Construction permit for a new broadcast station to be operated on **1370 kc.,** 250 watts, unlimited time.

WDAS—WDAS Broadcasting Station, Inc., Scranton, Pa.—License to cover construction permit (B2-P-2287), as modified, for move of auxiliary transmitter and install antenna for auxiliary transmitter.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Modification of construction permit (B4-P-2166) for a new station, requesting approval of antenna, installation of new transmitter, and approval of studio site at 6th & Broad Sts., Fremont, Nebr., and transmitter at East Sixteenth St., Fremont, Nebraska.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Authority to determine operating power by direct measurement of antenna power.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Modification of license to move main studio from New Albany, Ind., to Louisville, Ky.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1390 Kilocycles

KRLC—H. E. Studebaker, Lewiston, Idaho.—Modification of license to change frequency from **1390** to **1370 kc.,** contingent on KUJ (B5-P-2610), for change in frequency from **1370** to **1390 kc.**

WHK—Radio Air Service Corp., Cleveland, Ohio.—Extension of special experimental authorization to transmit facsimile signals from 1 a. m. to 6 a. m., EST, using 1 KW power, for period ending 8-1-40. Amended: To change the name to The United Broadcasting Co.

1420 Kilocycles

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install new transmitter, new antenna, change in frequency from **1420 kc.** to **710 kc.;** increase power from 250 watts to 10 KW; move transmitter from 811 East Myrtle St., to site to be determined, San Antonio, Tex.

KDNT—Harwell V. Shepard, Denton, Texas.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Construction permit for changes in equipment, and increase in power from 100 to 250 watts.

KVAK—Carl Latenser, Atchison, Kans.—Modification of license to change hours of operation from daytime to specified hours. Amended: to request unlimited time using 100 watts power.

1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—License to cover construction permit B-P-2401, as modified for changes in equipment and increase in power.

1460 Kilocycles

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—License to cover construction permit B4-P-2493 for auxiliary transmitter. Amended: re frequency check.

1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna day and night. Amended: re antenna changes.

1500 Kilocycles

KSAL—KSAL, Inc., Salina, Kans.—Modification of construction permit B4-P-2068, for change in frequency, increase in power, make changes in equipment, install directional antenna for night use, further requesting changes in directional antenna system, and installation of new transmitter. Extend commencement date 60 days after grant and completion date 180 days thereafter.

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—License to cover C. P. (B1-P-2454) for equipment changes and increase in power.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—License to cover construction permit (B4-P-1147) as modified, for move of transmitter and studio from East Dubuque, Ill., to Dubuque, Iowa, install new antenna and increase night power.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to determine operating power by direct measurement.

1550 Kilocycles

NEW—Henry Joseph Walczak, Springfield, Mass.—Construction permit for a new television station at 360 Worthington St., Springfield Mass., to be operated on **1550 kc.,** 250 watts, special emission, unlimited time.

MISCELLANEOUS

W2XWI—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Modification of construction permit B1-PHB-82, for approval of transmitter site at Pauline St. and Park Ave., Carteret, N. J.

WLWO—The Crosley Corporation, Mason, Ohio.—Modification of construction permit B2-PIB-17, as modified, requesting extension of completion date from January 1, 1940 to July 1, 1940.

W9XBA—WHB Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-PHB-68, as modified, for new high frequency broadcast station.

KWHB—WHB Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-PRY-195 for new low frequency broadcast station.

WENX—Brown Radio Service and Laboratory (Gordon P. Brown, Owner), area of Rochester, N. Y.—Construction permit for reinstatement of station, requesting changes in equipment and increase in power from 25 watts to 50 watts.

W9XHW—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Construction permit to move transmitter to site to be determined, Boston, Mass., Worcester, Mass., and adjacent areas in Massachusetts; install new transmitter; change emission from A-3 to special emission; change frequency from **42300 kc.** to **42800 kc.;** increase power from 50 watts to 1 KW.

W2XDV—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to move transmitter to Chrysler Bldg., 405 Lexington Ave., New York, N. Y.; install new transmitter; change frequency from **42300 kc.** to **43000 kc.;** increase power from 50 watts to 1 KW; and change emission from A-3 to special.

WBOS—Westinghouse Electric & Manufacturing Co., Millis, Mass.—Modification of license to change frequency from **9570 kc.** to **6140, 9570, 15210, 21540 kc.,** sharing time with WPIT on all four frequencies.

WRPM—Radio Air Service Corp., Cleveland, Ohio.—Voluntary assignment of construction permit to United Broadcasting Co.

NEW—Westinghouse Electric & Manufacturing Co., Allison Park, Pa.—Construction permit for a new high frequency broadcast station to be located at Clearview Road at Route 8, Allison Park, Pa., to be operated on **42600 kc.,** 1 KW, unlimited time, and special emission.

KEHI—WDAY, Inc., area of Fargo, N. Dak.—Construction permit to change location of transmitter from portable-mobile to fixed at 118 Broadway, Fargo, N. Dak.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo.—Construction permit to erect new high frequency station located at 106 W. 14th St., Kansas City, Mo., to be operated on **42600 kc.,** 1 KW power, unlimited time, special emission.

WEHX—United Broadcasting Co., Cleveland, Ohio.—Modification of license to increase power from 25 to 100 watts.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for new television station located at northeast corner Washington Blvd. and Crawford Ave., Chicago, Ill., to be operated on **66000-72000 kc.,** 1 KW power, A-3 and A-5 emission, unlimited time.

KEIL—KMTR Radio Corporation, area of California.—Construction permit for reinstatement of station on **30820, 33740, 35820, 37980 kc.,** using 50 watts power for orders on **33740 kc.** and 25 watts for programs.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Charles A. Brewer & Sons—Kenneth E., Everett R. and Nelson C. Brewer, individually and as copartners trading under the name of Chas. A. Brewer & Sons, 6320-32 Harvard Ave., Chicago, manufacturers and distributors of push cards and punch boards used in the sale and distribution of merchandise by lottery methods, are respondents in a complaint.

The complaint charges that the sale and distribution of the push card and punch board devices by respondents supplies to, and places in the hands of others the means of conducting lotteries, games of chance or gift enterprises in the sale and distribution of their merchandise to ultimate consumers. The respondents thus supply to and place in the hands of persons, firms and corporations the means of and instrumentalities for engaging in unfair methods of competition in commerce and unfair acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act. (3952)

Jean Ferrell, Inc., 112 East Walton St., Chicago, engaged in the sale and distribution of a preparation known as "Concentra", represented as a concentrated food product for use in treating obesity and as a tonic, is charged in a complaint with dissemination of misleading advertisements concerning its preparation.

Among the respondent corporation's representations are that "Concentra" is a highly concentrated food, safe for use, and one which, with the addition of liquids, will constitute a balanced diet and replace the ordinary diet. It is alleged to be a highly concentrated, dehydrated food in capsule form, containing rhubarb, soya bean meal, Irish sea moss, gravel root and dehydrated cranberries.

The complaint charges that by reason of the high content of rhubarb present in this preparation it is, in fact, a drug, and is not safe for use by either adults or children, and that serious injury to health may result from its continued use as recommended by the respondent. The preparation, the complaint continues, will not constitute a balanced diet and does not have sufficient nutritive value to replace the ordinary diet. It will not, as advertised, supply deficiencies to the human body or aid in furnishing the corrective organic elements; nor will it correct either overweight or underweight or restore a healthy, normal figure. (3950)

Hudson Fur Dyeing Company—Misrepresentation of rabbit peltries as seal, is charged in a complaint against Louis, Charles, Sidney, Esther and Belle Estrin, trading as Hudson Fur Dyeing Company, 29 Congress St., Newark, N. J. The respondents are engaged in the processing and dyeing of rabbit peltries and also in the distribution of these furs.

The complaint alleges that the respondents attached labels and tags to the peltries and furnished the purchasers tags for use on finished garments made therefrom, reading: "HUDSEAL (Seal Dyed Coney) Trade Mark Reg. * * * Super Quality", and "SATINSEAL REGISTERED Seal Dyed Coney * * * Hudseal Process", the words "Seal Dyed Coney" being printed in much smaller type than the words "Hudseal" and "Satinseal".

By furnishing false and misleading labels and tags to customers, the complaint charges, and causing them to be placed upon the peltries, respondents place in the hands of uninformed or unscrupulous dealers a means whereby members of the purchasing public may be misled into the erroneous belief that fur garments made from rabbit peltries are in fact composed of seal peltries.

The complaint points out that there is a preference on the part of the purchasing public for fur products made from peltries of seal because of their superior qualities such as pliability, durability and luster, and that the false and misleading statements on respondents' labels and tags have the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that the garments so labeled are made of seal peltries. (3951)

Retonga Medicine Company, 161 Spring St., N. W., Atlanta, is charged in a complaint with misrepresenting in newspaper advertisements that a medicinal preparation containing drugs, known as "Retonga", is a competent treatment for nervousness, biliousness, undernourishment and other disorders.

The complaint alleges that the representations are grossly exaggerated and misleading, and that "Retonga" is not an alterative medicine or powerful stomachic, and its therapeutic properties the limited to little more than those of a laxative. (3949)

Sure Laboratories—"Sure", a breath purifier manufactured and distributed by Fannie P. Fox, trading as Sure Laboratories, 841 North Wabash Ave., Chicago, will not accomplish the claims made for it in radio broadcasts and newspaper advertising according to a complaint nor can ordinary salesmen, under normal conditions, earn "$300 profit weekly," as suggested in advertisements alleged to have been disseminated by the respondent.

"Just put a drop of 'Sure' on your tongue, swirl it around in your mouth . . . and every trace of offensive breath is gone instantly!" * * * Anyone can make money with 'Sure' ", and "One man has averaged $300 profit weekly for the last 60 days," are among such advertisements in newspapers and broadcasts.

The complaint alleges that the preparation will not neutralize breath odors, and that its effect is limited to masking such odors to a greater or less degree, and that salesmen, under ordinary conditions, cannot earn $300 per week or sums which could be characterized as representing large earnings. (3948)

STIPULATIONS

The Commission entered into the following stipulations during the week:

Apex News and Hair Company, Inc., Indiana and Arctic Avenues, Atlantic City, N. J., operates schools for beauty culture in different cities and manufactures and sells beauty preparations for members of the colored race. The respondent agreed to discontinue advertising that its "Apex Skin Bleach" instantly lightens the complexion or brings to the skin new life and color or youthful vitality, and to cease representing that any of its products will correct dandruff, nourish the scalp, or promote a growth of hair. The respondent agreed to cease designating any of its preparations as a hair grower. (2573)

M. H. Arndt Manufacturing Company—Milton H. Arndt, trading as M. H. Arndt Manufacturing Company, Trenton, N. J., and Webster, Mass., engaged in breeding and developing chickens and in making, selling and distributing poultry raising equipment, agreed to discontinue representing that the use of contact heat results in production of hump-backed broilers or chicks, if used continuously, or that chicks brooded by contact heat are inferior to those brooded by means of radiant heat. The respondent also stipulated that he would cease publishing or exhibiting drawings or other pictorial representations of competitive products, the effect of which may be to misrepresent the desirability or other qualities of the competitive products. (2570)

Bar-Je, Inc., 540 North Michigan Ave., Chicago, agrees to cease and desist from representing that "Bar-Je Dry Skin Cleanser", "Bar-Je Night Cream", or any cosmetics containing substantially the same ingredients or properties, will supply nourishment, food values or building materials to the skin or underlying tissues, or will duplicate, restore, maintain, replace or replenish the natural oils; will overcome dry skin or impart, or maintain a protective film on the skin; will keep the skin young, youthful, or looking young and youthful, or will prevent or remove lines or wrinkles of the skin; and that the preparations contain "Lipiderm" or that there is any product or element recognized, designated or known as "Lipiderm." The respondent corporation will also discontinue representing that the preparations are new, secret, newly discovered, or scientific in principle, method of application or use, or that such methods are adhered to only in "Bar-Je" products, or that any price is special or introductory, unless it is a price substantially lower than the price at which such preparation is customarily sold and is specifically limited to a reasonable time and discontinued at the end of such time limit. (02460)

Casnati Derm-Esthetic Institute, Inc., 75 East 55th St., agrees to cease representing that "Fermo-Derm", a skin lotion distributed by it, will draw all clogging substances from the pores, or that it shows the same chemical analysis as the life-giving essentials of healthy glands; that it will accelerate circulation or feed the skin or revitalize the supporting tissues until they become charged with youthful virility and reproduce themselves. The respondent corporation also agrees to cease use of the word "Institute" as part of its corporate or trade name or to imply that the business conducted by it is that of an institute for the promotion of dermatological study or of learning. (2571)

Central States Amateur Independent Basket Ball Assn.—See Central States Basket Ball Association.

Central States Basket Ball Association—Wayne G. Emmelmann, sole trader as Central States Basket Ball Association and also as Central States Amateur Independent Basket Ball Association, 4260 Roland Rd., Indianapolis, engaged in the sale and distribution of sporting goods and athletic and school trophies, has entered into a stipulation to discontinue certain misleading representations.

The respondent agrees to cease and desist from use in his trade name of the word "Association" or similar designation to imply that such personal business enterprise is an association of individuals, or use of the title "Secretary" in the conduct of his business or promotional undertakings, or in any way to hold himself out as an official or representative of a group or body which does not exist; from representing that the so-called Central States Basket Ball Association is an organization, or the outstanding organization of America, or that such a purported organization publishes an "Association Co-Operative Catalog", or that the business conducted by him individually is the "sales division" of such an alleged association.

Emmelmann further agrees not to represent that his business is a "Co-Operative Service", or was started or is maintained by some association "not to commercialize basket-ball", but only to "make it possible for all schools and organizations to purchase their athletic supplies at sane prices". The respondent will also desist from use of the terms "Sunburst Gold" or the words "Gold" or "Silver" to apply to products not composed in whole or in part of gold or silver. (2574)

Certified Products Company—W. Raymond Roose, trading as Certified Products Company, 223 South Western Parkway, Louisville, Ky., dealer in razor blades, combs, and novelty articles, agreed to cease using the word "Manufacturers" on letterheads or in advertising matter so as to imply that he manufactures the things he sells or operates or controls a factory in which they are made, and to discontinue representing that products sold by him have an alleged valuation which is fictitious or in excess of the price for which they customarily can be purchased. (2575)

Champion Distributing Company—See Model Lingerie Company.

Duratex Plush Company—Gerson Greenberg, trading as Duratex Plush Company, Oak Lane, Philadelphia, in the sale of "Dorise" mohair upholstery fabrics, will desist from employing the word "Weavers" as part of a trade name under which he sells his products which are not woven by him, or in a manner implying that he weaves the products he sells or controls the plant in which they are woven. According to the stipulation, Greenberg originally used the trade name "Duratex Plush Weavers," but has dropped the word "Weavers," substituting therefor the word "Company." Greenberg also stipulated that he would cease representing that his products are "A Government Standard" or are "Made to Comply with Government Specifications," when in fact there is no proper basis for these claims. (2569)

Early & Daniel Company, Inc., 1117 West Sixth St., Cincinnati, agrees to cease representing that the feeding of "Tuxedo Turkey Growing & Developing Mash" to turkeys will enable one to have an increase in profits over profits that might be obtained by the feeding of any other similar product; that the feeding of the mash will cause an increase in the development or growth of poults and turkeys over such development or growth as may be obtained through use of similar products; that correct feeding will assure one of an increase in profits, or that feed alone is responsible for the quality or size of poultry or stock; that "Tuxedo Growing & Developing Mash" will insure large bodied breeders or that by feeding this product one is assured of strong, healthy or vigorous poults, or that the vitamin guarantee offered with the product will assure such result. The respondent corporation will also discontinue representations that Tuxedo hog feeds are complete feeds of highest quality, or that by use of "Tuxedo Porkmaker" a person may expect hogs to attain any definite weight within any specific time greater than the average weight obtained by other persons feeding other similar products under normal conditions; or that any unusual weight has been obtained by persons feeding the product, unless in direct connection therewith full disclosure is made of the conditions under which such feeding was carried on. (02461)

Eastern Hosiery Mills, Inc., 330 Fifth Ave., New York, wholesaler of hosiery, agrees to cease use of the word "Mills" as part of its corporate name or in any way to imply that it manufactures the products it sells or actually owns and operates or directly controls the factory in which they are made, when such are not the facts. (2580)

J. Harris & Company—Jacob Harris and Emanuel Harris, trading as J. Harris & Co. and as Majestic Pen Co., 115 East 23rd St., New York, agreed to discontinue representing or placing in the hands of others the means of representing, that any fountain pen made, assembled or sold by them holds 109 per cent more ink than other pens, or holds any proportion exceeding the actual quantity as compared to other fountain pens on the market. (2568)

L. Hemmerdinger & Co., Inc., 424 East 123rd St., New York, distributor of bronze powders, paints and varnishes, will discontinue employing the word "Manufacturers" on letterheads in connection with the sale of its powder product, so as to imply that it manufactures such product, or owns or controls the plant in which it is made, when such are not the facts. The respondent also agrees to desist from using the word "Importers" misleadingly, when it is not an importer of the powdered material. (2567)

Levy Bros. & Adler Rochester, Inc., Rochester, N. Y., manufacturer of men's and boys' suits, in its stipulation, agreed to discontinue using, or furnishing others for their use, labels or advertising matter bearing the words "Olde English," to be employed in connection with the sale of this firm's domestically made products. (2565)

Majestic Pen Company—See J. Harris & Company.

Mother Goose Bedding Company—J. L. Bashor, trading as Mother Goose Bedding Company, 565 Whitehorn Ave., Columbus, Ohio, a dealer in goose feather quilts, agreed to cease using in advertising matter the words "Special Introductory," or either word in connection with the phrase "One Week Only," or otherwise as descriptive of a sales offer so as to imply that it is special, introductory, or other than the respondent's regular offer, when such are not the facts. Bashor also stipulated that he would not represent (1) that modern bedding is made of fabrics that absorb moisture and conduct heat away from the body while drawing cold from the outside; (2) that ordinary quilts and blankets absorb body heat, speeding up heart action; (3) that use of down or feather quilts will cause a person to wake up more refreshed than if he had used ordinary quilts, and (4) that use of down and feather quilts is an effective treatment or preventive for sinus, arthritis, rheumatism and catarrhal conditions. (2566)

Model Lingerie Company, also trading as Champion Distributing Company, 209 West Jackson Boulevard, Chicago, sells lingerie, hosiery, men's shirts, cameras, clocks, silverware and other merchandise. Under its stipulation, it agrees to discontinue supplying to, or placing in the hands of others, punch boards, push or pull cards, or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof. It also agrees to cease representing that the sale of premium merchandise by means of push cards or similar devices is a "unique plan of advertising," or, by the use of any other words of similar implication, that any merchandising plan involving a lottery scheme is intended for mere advertising purposes or is other than a method of disposing of merchandise. The respondent also agrees to discontinue certain misleading uses of the words "free" and "guarantee" and of fictitious figures purporting to be "values" of articles sold. (2576)

R. A. Nichols, 113 York St., Rumford, Me., agrees to cease and desist from representations in connection with the sale of instructions and formula for the compounding of "Mexican Cough Remedy"; that the remedy will stop, check or have any effect on the cause, course or degree of night sweats, will purify the blood or relieve coughs not due to or associated with colds, or supply energy for the human body. The respondent further agrees to cease designating or describing the formula he offers for sale, or the syrup composed according to such formula, as "Mexican," by using the term "Mexican" or any other word or term that simulates "Mexican" by spelling or sound. (02459)

Pioneer Publications, Inc., 1270 Sixth Ave., New York, agrees to cease representing in connection with the sale of a book of instructions on dancing, sold and distributed by it, that "ease or assurance" on the dancing floor can be acquired by merely reading the book and practicing a few hours. The respondent corporation agrees to cease representing "That anyone, by reading the information and following the instructions in said book, will be enabled to dance with ease or assurance or will be enabled to become a wonderful dancer, or that thereby anyone can, with but a few hours practice, learn to dance." (02458)

Vapoo Products Company, Inc., 1775 Broadway, New York, in the sale of "Arctic Syntex M," sold also under the name "Vapoo," and used in the cleaning of carpets, rugs and upholstery, agreed to discontinue employing as descriptive of its product the word "sanitizes" or any other word of similar implication, the effect of which may tend to convey the belief that the preparation is effective as a germicide or an antiseptic; and to cease using any representation importing that the product will remove all stains regardless of cause. (2572)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Alle-Rhume Remedy Company, Inc.—The Commission has reconsidered and modified its cease and desist order issued last August against Alle-Rhume Remedy Company, Inc., and Block Drug Company, Inc., Jersey City, N. J., directing the respondents to discontinue certain misleading representations in the sale of "Allenru," or any similar preparation.

The modified order is similar to the original order except that it eliminates that provision thereof which prohibited the respondents from disseminating any advertisements which failed to reveal that their preparation is not a wholly safe drug to be used by the lay public in self-medication. (3678)

Block Drug Company, Inc.—See Alle-Rhume Remedy Company, Inc.

James Heddon's Sons—The Commission, upon notice and opportunity for hearing, has issued an order altering the terms of a cease and desist order issued last August against James Heddon't Sons, Dowagiac, Mich, which firm had been directed to discontinue misleading representations in the sale and distribution of its "Improved Heddon Pal" hollow steel fishing rod, or other fishing rods.

Under the original order, the respondent was directed to cease representing, among other things, that all hollow steel fishing rods, other than its own, have walls which are thicker at the butt than at the tip.

The order has now been corrected to prohibit the representation that all hollow steel fishing rods, other than the respondent's own, have walls which are thicker at the tip than at the butt. (3792)

Marlin Firearms Company, New Haven, Conn., has been ordered to cease and desist from representing that it manufactures the razor blades it sells and distributes.

In advertisements in newspapers and periodicals, the Commission finds, the respondent alleged "It is not hard to understand why Marlin is one of the finest blades in the world. They are made with the *same care* that has made Marlin guns tops in quality for 67 years," and "Marlin, world-famous firearms manufacturer, has found a way to produce a truly fine razor blade * * *."

In truth, the findings continue, the respondent corporation does not make or manufacture the blades sold by it under its trade name and represented as "Marlin" blades, but they are manufactured by another company not owned or controlled by the respondent.

A substantial part of the purchasing and consuming public and dealers, the findings continue, prefer to deal direct with the manufacturer in the belief that lower prices, elimination of middlemen's profits, superior products, and other advantages, can be obtained. Furthermore, the name "Marlin" has long been associated with the manufacture of high-grade firearms, and there would be a preference on the part of a substantial portion of the purchasing public for razor blades manufactured by the Marlin Firearms Company in the belief that the company, by reason of its reputation, is better equipped to manufacture a high-grade product.

The Commission orders that the respondent corporation forthwith cease and desist from representing that it is the manufacturer of the razor blades which it sells, unless and until it owns and operates, or directly and absolutely controls, the factory in which the blades are manufactured. (3871)

Pillsbury Flour Mills Company—On petition of the Pillsbury Flour Mills Company, Minneapolis, the Commission has reconsidered certain parts of its findings and order to cease and desist issued last April against Quality Bakers of America, Inc., and other respondents, who were directed to discontinue violations of the brokerage section of the Robinson-Patman Act.

Among the respondents named in that order were Pillsbury Flour Mills Company, and the Consolidated Flour Mills Company and Kansas Milling Company, both of Wichita, Kans.

Upon reconsideration, the Commission has modified its findings and order as to these three companies and has dismissed the complaint insofar as it relates to them for the reason that prior to its issuance they ceased paying brokerage fees as alleged to the respondent Quality Bakers of America, Inc., an intermediary, the stock of which was owned by various baking companies, members of Quality Bakers of America, a trade association.

The provisions of the findings and order relating to Quality Bakers of America, Inc., and other respondents, were not amended. These respondents have petitioned the United States Circuit Court of Appeals, First Circuit, Boston, for review of the Commission's order to cease and desist. The record in the proceeding will shortly be certified to the court, as provided by law, and the case will be proceeded with there in the regular course. (3218)

Purity Products Company—Willard C. McAhren and Maude B. McAhren, trading as Purity Products Company, 801 Bluff Road, Sioux City, Iowa, have been ordered to cease and desist from misrepresentations made in the sale and distribution of a medicinal preparation designated "Wheatol."

In advertisements circulated through United States mails and in circulars and other printed matter, the Commission finds, the respondents represented that Wheatol, "one of the most potent sources known for VITAMIN E," is effective in the treatment of certain ailments and conditions, and that the loss of vigor, vitality and general well-being of males up to and considerably over 50 years of age, and inability of women to bear children successfully after conception, among other things, are due to a deficiency of Vitamin E, and will be remedied by the use of Wheatol. These representations, the findings continue, are misleading and untrue.

Respondents Willard C. and Maude B. McAhren are ordered to desist from further representations that impairment of youthful vigor and vitality, and general conditions which accompany advancing years in a male, are due to a deficiency in Vitamin E, or that such impairment can be averted or delayed by use of their preparation, or that the preparation will affect womens' ability to successfully conceive or bear children, except in rare cases involving habitual involuntary abortion, which may be due to a Vitamin E deficiency of a degree susceptible of replacement by the Vitamin E content of "Wheatol."

It was further ordered that the case against Landon & Warner, 360 North Michigan Ave., Chicago, named in the complaint as advertising agents for the respondents, be closed without prejudice to the right of the Commission to reopen it in the event that facts so warrant. In answering the complaint, Landon & Warner denied participation in the preparation or dissemination of the advertising to which the complaint refers. (3847)

Quality Bakers of America, Inc.—See Pillsbury Flour Mills Company.

Standard Toykraft Products, Inc., 319 McKibbin St., Brooklyn, N. Y., a distributor, has been ordered to discontinue misleading representations in the sale of toys.

Findings are that the respondent company caused to be inserted on containers of certain toy sets the language: "Toykraft Knitting Spool Set, Copyright 1936, and Made by Standard Toykraft Products, Inc., New York, U. S. A." In this manner the respondent United States, when in fact a substantial portion of the units comprising the sets were manufactured in Japan, purchased by the respondent from importers, and assembled by the respondent, according to findings. (3876)
represented that its toy sets were wholly manufactured in the

Superior Textile Mills—Abraham Starr, trading as Superior Textile Mills, 16-20 East 12th St., New York, has been ordered to cease and desist from misrepresentations in the sale and distribution of haberdashery.

Findings are that the respondent employs about 75 salesmen, who take orders from consumers in house-to-house canvasses. Through the media of price lists, advertisements and other printed matter, the respondent is alleged to have made misleading statements with reference to commodities offered for sale by him. Among these are: "Established 1905. . . . SUPERIOR TEXTILE MILLS, 16-20 East 12th Street, New York, N. Y. Postage paid to all parts of U. S. A. . . . SUPERIOR TEXTILE MILLS, Makers of Superior Quality Shirts and Wearing Apparel for Men, 16-20 East 12th Street, New York." and "Direct from Mills to Wearer," and offers of 4 shirts or other garments for the price of 3, for a certain limited period.

Findings also are that respondent was not established in business until after 1925, does not own or control any textile mill and does not sell direct from mill to wearer.

Starr is ordered to cease and desist from use of the word "Mills" in his trade name or from representing that he is the manufacturer of the products sold by him, unless and until he actually owns or operates the manufacturing plant wherein such products are made; from representing that any article regularly included in a combination offer with other articles, is "free," or that the sale thereof constitutes a "free merchandising sale"; from representing any articles delivered to purchasers of other articles as "free," until and unless the conditions under which such articles are delivered to purchasers are stated in immediate connection or conjunction with the term "free," in words, letters and figures of equal conspicuousness, and there is no deception as to the price, quality, character or any other feature of any of the items in the offer.

The respondent also will discontinue representing that his business was established at any time other than the time of its actual establishment, or that any offer of merchandise is limited as to time, unless such offer is in fact so limited. (3190)

The National Association of Broadcasters

NORMANDY BUILDING * * * * * * * WASHINGTON, D. C.

SPECIAL BULLETIN

To All Broadcasters:

The most vitally important series of district meetings in broadcasting history is underway.

With the expiration date of current ASCAP contracts only a little more than a year away, every broadcaster in the country should make arrangements immediately to attend his district meeting. Non-members as well as members of NAB should let nothing stand in the way of attending these meetings, where the industry's copyright program will be the first order of business.

Neville Miller, NAB president, will attend these meetings to explain this program in detail.

Adopted unanimously by a special industry convention last September, this program is generally considered by far the best solution ever advanced for the copyright problem.

Don't fail to attend your district meeting! The dates and places are listed below.

District 1	Boston	Kenmore Hotel	December 6
District 2	New York City	Ritz Tower	November 28
District 3			First Week in January(*)
District 4	Richmond	John Marshall	December 16
District 5	Jacksonville		January(*)
District 6	Nashville	(*)	January 2 or 3(*)
District 7	Cincinnati	Netherland-Plaza	December 5
District 8 District 9	South Bend, Ind.	LaSalle	December 6
District 10	Omaha	Fontenelle	December 8
District 11	Minneapolis	Radisson	December 13
District 12	Tulsa	(*)	December 11
District 13	Dallas	Baker	January 5
District 14	Denver	Albany	December 9
District 15	San Francisco	Palace	January 10
District 16	Los Angeles	(*)	January 9
District 17	Portland	New Heathman	January 12

(* Additional details will be sent to you as soon as possible.)

Reports

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 48, December 1, 1939

Code Committee Meets; Women's Luncheon

Asking that broadcasting stations in the different states meet to examine state laws and practices relating to the qualifications for candidates for public office, and to determine dates which mark the beginning of political campaigns in the respective states or political subdivisions, the NAB Code Compliance Committee met in Washington last Tuesday and Wednesday at the call of its chairman, Edgar Bill, of WMBD, Peoria, Illinois. The Committee reviewed the progress of the Code and self-regulation to date and considered details whereby Headquarters could render member stations greater informational service in interchanging experiences and ideas with the membership.

The resolution follows:

> "In view of the fact that different laws or practices govern the conduct of elections in the different states and local communities, it is the recommendation of the Code Compliance Committee that the broadcasting stations in the different states should be called into meeting by state chairmen or through the efforts of District Directors, where no state organization exists, and request them, after a study of their respective state and local laws, to determine:
>
> "(a) When does an individual become a legally qualified candidate for public office and qualify for the sale of time under the Code, or,
>
> "(b) Determine the date for the opening of a campaign for election of public officials, or for the discussion of public proposals which are subject to ballot."

The Committee requests that as soon as possible this information be sent into Headquarters so that it will be in a position to answer inquiries received from the outside in connection with the approaching political campaigns.

On Wednesday, members of the Committee and Headquarters department heads attended a luncheon conference at the Willard Hotel with national and state women's club leaders to discuss the social aspects of the Code.

The meeting was one of the largest gatherings of influential club women in recent years, many of the leaders coming from distant points to enter into the discussions. Among the national presidents of organizations were Mrs. William Corwith, American Legion Auxiliary; Mrs. Saidie Orr Dunbar, General Federation of Women's Clubs; Mrs. Charles E. Bolling, United Daughters of the Confederacy; Mrs. W. Chapin Huntington, Society of Women Geographers; Mrs. Joseph E. Goodbar, National Federation of Press Women; Miss Frances Grant, Pan American Women's Association; Dr. O. Latham Hatcher, Alliance

(Continued on page 3866)

The NATIONAL ASSOCIATION OF BROADCASTERS
NAB Reports
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

CODE COMMITTEE MEETS; WOMEN'S LUNCHEON

(Continued from page 3865)

for Guidance of Rural Youth; Mrs. J. K. Pettengill, National Congress of Parents and Teachers; Mrs. Henry M. Robert, Jr., Daughters of the American Revolution.

In the key-note speech of the day, Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs, showered praise upon the Code and pledged the sympathetic support of women's clubs nationally and locally. She declared there were some programs to which some of the women objected, especially in the children's field, but, she said that "with so many varied tastes to cater to, there will of course always be room for some complaint." Other leaders who took part in the discussion and commended the Code included Mrs. Henry M. Robert, Jr., president of the Daughters of the American Revolution; Mrs. Charles E. Bolling, president of the United Daughters of the Confederacy; Mrs. Edwin C. Lewis, national radio chairman of the National Society of New England Women; Mrs. Nathaniel Singer, radio chairman of the United Parents Associations; Dr. Alice Keliher, of the Progressive Education Association, and Mrs. Benjamin F. Kraus, radio chairman of the Massachusetts State Federation of Women's Clubs.

Following the opening remarks by President Miller, Edgar Bill and Ed Kirby, Committee Secretary, and the address by Mrs. Saidie Orr Dunbar, the meeting was thrown open to a question and answer period.

Mrs. Harold V. Milligan, radio chairman of the General Federation of Women's Clubs, requested that NAB send out to all women's organizations "radio kits" which would contain copies of the Code and all pertinent literature, as well as the NAB booklet *How To Use Radio.* The delegates were informed that this would be done immediately.

The Code Committee pledged its cooperation with the women's viewpoint in connection with cultural, educational, religious and social aspects of broadcasting, particularly in regard to improving the standards of children's programs. Organizations were requested to conduct serious studies and surveys to determine what they considered should be on the air, but which is not now on the air. The delegates were invited to submit this data at the next meeting of the Code Compliance Committee in early 1940, where it may be digested and correlated. Representative sponsors and advertising agencies will then be called into conference to consider the new information received.

The Code Committee members regarded the meeting, which continued over four hours, as a highly successful one, and of incalculable benefit to the entire industry.

A roster of those present follows:

Miss Helen W. Atwater
American Home Economics Assn.

Mrs. Henry Baker
Service Star Legion

Miss Mariam Birdseye
Association of Women in Public Health

Mrs. Charles E. Bolling, Pres.-General
United Daughters of the Confederacy

Mrs. Frederick H. Brooke
Girl Scouts

Mrs. Leonard J. Calhoun
Mississippi Federation of Women's Clubs

Mrs. Robert W. Cornelison
Radio Chairman, New Jersey State Federation of Women's Clubs

Mrs. William H. Corwith
President, American Legion Auxiliary

Miss Margaret Cuthbert
National Broadcasting Company

Mrs. Saidie Orr Dunbar
President, General Federation of Women's Clubs

Miss Elizabeth Eastman
Young Women's Christian Assn.

Miss Ethel Evans
Young Women's Mutual Improvement Association

Miss Jane Evans
Executive Director, National Federation of Temple Sisterhoods

Miss Catherine Fitzgibbon, Secretary
Women's International League for Peace and Freedom

Miss Bess Furman
National League of Women Voters

Mrs. E. Richard Gasch
Second Vice President
American Federation of Soroptimist Clubs

Mrs. Joseph E. Goodbar, Pres.
National Federation of Press Women

Miss Bess Goodykoontz
National Council of Administrative Women in Education

Miss Dorothy Gordon
National Council of Women

Miss Frances Grant, President
Pan American Women's Association

Miss Rebekah S. Greathouse
National Woman's Party

Mrs. Robert J. Green
Catholic Daughters of America

Mrs. Otto Hammerlund
National Society of New England Women

Dr. O. Latham Hatcher, president
Alliance for Guidence of Rural Youth

Miss Alice Howard
National Assn. of Deans of Women

Mrs. Thomas Howerton
Osteopathic Women's National Assn.

Mrs. W. Chapin Huntington, Pres.
Society of Women Geographers

Mrs. K. D. Jacob
P. E. O. Sisterhood

Dr. Alice Keliher
Progressive Education Association

Mrs. John Morrison Kerr
National Pres., Children of the American Revolution

Mrs. Benjamin F. Kraus
Radio Chairman, Massachusetts State Federation of Women's Clubs

Mrs. Luella Laudin
Executive Director, National Council of Women

Miss Mary E. Leeper
Executive Secretary, Association for Childhood Education

Mrs. Edwin C. Lewis,
National radio chairman, National Society of New England Women

Mrs. Blanche C. Lewton
Chairman of marketing, Woman's National Farm and Garden Association

Miss Dorothy L. McFadden
Executive director, Junior Programs

Mrs. Harold V. Milligan
Radio chairman, General Federation of Women's Clubs

Miss Bertha Nienberg
International Association of Altrusa Clubs

Mrs. Moe Offenberg
President of Washington Chapter, Hadassah

Mrs. J. K. Pettengill
President National Congress of Parents and Teachers

Miss Constance Roach
National League of Women Voters

Mrs. Henry M. Robert, Jr.
President-General, Daughters of the American Revolution

Miss Josephine Schain, Chairman,
Executive Committee, National Committee on the Cause and Cure of War

Miss Lavinia Schwartz
Midwestern Education Director, Columbia Broadcasting System

Miss Ivora Scott
National Women's Christian Temperance Union

Mrs. Nathanial Singer, Radio Chairman,
United Parents Associations

Mrs. Sina H. Stanton
Council of Women for Home Missions

Mrs. Victoria Fabor Stevenson
League of American Pen Women

Mrs. James Austin Stone
National Women's Trade Union League

Mrs. Marion Hines Taylor
Zonta International

Mrs. Mary Logan Tucker
United States Daughters of 1812

Mrs. Arthur Vandenberg
Camp Fire Girls

Mrs. R. Gordon Wagenet
Women's International League for Peace and Freedom

Dr. Lulu Waters
Osteopathic Women's National Assn.

Mrs. James Watson
League of American Pen Women

Mrs. Roy C. F. Woagley
Secretary, Associated Women of the American Farm Bureau Federation

Mr. Sterling Wheelright
National Federation of Music Clubs

Miss Earlene White
National Federation of Business and Professional Women's Clubs

Mrs. Robert Clark Wiggins
Pennsylvania Federation of Women's Clubs

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FIRST PLEDGES TO BROADCAST MUSIC, INC., RECEIVED

In the first of a series of District meetings to be held throughout the country, the first subscriptions to Broadcast Music, Inc., streamed in as broadcasters in the Second District signed the pledges in a more than encouraging degree and number.

The meeting, in the Ritz Tower, New York City, and presided over by Harry Wilder, WSYR, and District Director, was well attended and endorsed the Broadcast Music, Inc., plan enthusiastically. Neville Miller, Sydney Kaye and Stuart Sprague reviewed the copyright matter fully. Other matters discussed were the A. F. of M. contract, the phonograph record problem and the Code.

Those in attendance were: William Fay, WHAM, Rochester, New York; Robert Soule, WFBL, Syracuse, New York; Carl Colman, WINS, New York City; Clarence Wheeler, WHEC, Rochester, New York; John T. Calkins, WENY-WESG, Elmira, New York; E. H. Twamley, WBEN, Buffalo, New York; Cliff Taylor, WBEN, Buffalo, New York; G. N. Woodman, WJZ-WEAF, New York City; Cecil Masten, WNBF, Binghamton, New York; Julius F. Seebach, WOR, New York City; John V. L. Hogan, WQXR, New York City; Elliott M. Sanger, WQXR, New York City; Kolin Hager, WGY, Schenectady, New York; Richard E. O'Dea, WNEW, New York City; W. C. Alcorn, WBNX, New York City; Donald Flamm, WMCA, New York City; Stuart Sprague, Sydney Kaye, Neville Miller, president, National Association of Broadcasters; E. K. Johnson, WIBX, Utica, New York; Irving Collins, WWRL, Woodside New York; H. C. Wilder, WSYR, Syracuse, New York; Samuel J. Gellard, WLTH, Brooklyn, New York; S. W. Caulfield, WBNX, New York City; I. R. Lounsberry, WGR, Buffalo, New York; E. N. Stoer, WINS, New York City; William S. Hedges, WEAF, New York City; W. S. Reuman, WWRL, Woodside, New York; John A. Kennedy, NAB Legislative Committee; Edwin W. Schenning, WMCA, New York City; Joe Hartz, WMCA, New York City; Harold E. Smith, WOKO, Albany, New York.

NAB Attorney, Engineer Appointed; New Services

With the appointment of Russell P. Place as counsel, and Lynne C. Smeby as full time director of engineering, announced this week, the National Association of Broadcasters has about completed its program of expansion as outlined in the reorganization plan for the benefit of member stations.

Recently the Bureau of Radio Advertising was established to promote the use of radio advertising. It is headed by Sam Henry, Jr., former sales promotion manager of World Broadcasting Company.

To carry on a year 'round institutional type of promotion Arthur Stringer, former promotional consultant, was added to the staff after the Atlantic City convention.

Headquarters is also formulating plans for increased activity of the research department during the coming year. As being drawn the work will include some fundamental studies designed to fix the advantages of research as a tool in station management. A committee is to be appointed to work with Paul Peter, director of research.

The projected year's work include plans for meeting media competition in the development of facts through research. Ways and means for the development of needed information for the bureau of radio advertising, public relations, labor relations and the executive office of the association are to be established.

In addition to a consulting research committee, it is planned to appoint a research representative in each district to assist the director of research and the research committee.

Russell P. Place

Russell P. Place, of Boston, is a graduate of Harvard College and of Harvard Law School. He took time out to serve over-seas during the World War as pilot with the rank of Ensign in the U. S. Naval Reserves. Following admission to the Massachusetts Bar in 1922 he practiced law in Boston with the firms of Elder, Whitman, Weyburn and Crocker; and Shattuck and Gray.

While with the latter firm he served for a portion of the time as legislative counsel to Henry Shattuck, then chairman of the ways and means committee of the Massachusetts House of Representatives.

Mr. Place also served as assistant trust officer of Lee, Higginson Trust Company and as general agent of the Aetna Life Insurance Company for Eastern Massachusetts.

In 1923 he married Miss Marian Lothrop Worcester, of Cambridge, and they have three children.

Andrew W. Bennett is retained as special counsel to deal with copyright problems.

Lynne C. Smeby

Lynne C. Smeby, director of engineering, is a member of the Institute of Radio Engineers. He comes to NAB directly from the conduct of a special assignment in Porto Rica, for the International Telephone and Telegraph Company. There he rebuilt the company's broadcast station WKAQ in San Juan, installed a coastal-harbor radiotelephone system, and did work for the police radio system for Porto Rica. Mr. Smeby is a graduate of the University of Minnesota with a degree in electrical engineering.

His interest in radio began in 1918, as soon as the wartime ban on amateur radio was removed. The year following his graduation, in 1928, he was appointed Chief Engineer of WRHM, now WTCN, Minneapolis.

The next year he became technical supervisor of KSTP, St. Paul. In 1935 he moved to Detroit to become technical supervisor of WXYZ; WOOD, Grand Rapids; and the Michigan Radio Network.

For a number of years he had maintained close contact with the commission, his last appearance being in February when he gave testimony on the Michigan Radio Network during the chain-monopoly hearing. Continued study has kept him conversant with the developments in radio, television, facsimile, ultra-hi frequency broadcasting, frequency modulation, and industrial appliances of electronic devises.

FLY DISCUSSES COMMISSION ACTIVITIES

James Lawrence Fly, Chairman of the Federal Communications Commission, at a press conference on Wednesday stated that in his opinion the Commission in the future should give more thought to broadcasting station ownership and financial responsibility.

Discussing the Television situation, Chairman Fly said that the Commission will grant hearings on the new Television Rules. He said that undoubtedly the Commission would adopt tentative Television Rules and would then grant hearings if anyone requested them.

The Commission, stated the Chairman, wants to act as expeditiously as possible on the Television situation. However, the Commission wants to see the whole Television situation from both the standpoint of the industry and the public, and it wishes to protect its development.

There are no sharp issues on the Commission regarding the Television report of the committee, he stated. Mr. Fly pointed out that there are a good many difficult factors in Television and called particular attention to

DISTRICT 7 MEETING CHANGE

THE DISTRICT SEVEN MEETING PLACE HAS BEEN CHANGED FROM CINCINNATI TO THE DAYTON-BILTMORE HOTEL, DAYTON, OHIO, DECEMBER 5.

This is the same date as previously scheduled. Reason for the change to Dayton is due to crowded hotel conditions in Cincinnati because of the major league baseball meeting.

the fact that the receiver has to be synchronized to the transmitter and something must be done in this connection for the public who may purchase expensive Television sets and find later that they are obsolete because of progress in the art.

Mr. Fly said that he thought the monopoly report being compiled by the staff would go to the Monopoly Committee within the next week or ten days.

WOV TO NEW YORK STATION

On request of the New York Broadcasting Corporation, the Federal Communications Commission has assigned call letters WOV to the new broadcast station to be constructed by that corporation in New York City, to operate on the frequency of 1100 kilocycles, with power of 5 kilowatts, unlimited time.

The new station will supplant three existing broadcast stations, namely, WOV and WBIL, New York City, and WPG, Atlantic City.

It has been the practice of the Commission not to assign three-letter calls to broadcast stations except in cases where "good will" has attached to the use of such existing call letters, as in the case of WOV. This is because conservation of three-letter calls for land stations, such as communicate with ships and planes, is implied in International Telecommunications Convention of Madrid, 1932. This convention makes no provision for assignments of call letters to broadcast stations. As a result, some foreign stations do not use call letters. There is no provision in the Communications Act relating to assignment of call letters in this country apart from blanket authority to the Commission to do so.

While the Commission issues four-letter calls to new broadcast stations as a general rule, it has not yet been necessary to replace three-letter calls previously assigned broadcast stations in order to make these calls available to land stations. Consequently, the good-will value of existing three-letter broadcast calls is considered as cases present.

Eighty-four broadcast stations still retain three-letter identification calls.

NAB DECEMBER PROMOTION

Keeping radio ahead with another vigorous push toward maximum availability of radio receivers is the aim of NAB's December promotion.

Suggested material consisting of three original scripts and thirty-two announcements was mailed members on November 27.

Because of the anticipated increase in holiday spending, an exceptional opportunity is presented, during December, for attracting listeners' Christmas cash into a station's own circulation system.

BUREAU OF RADIO ADVERTISING RELEASES SUCCESS STORY NO. 2

The NAB Bureau of Radio Advertising has released the second in the series of trade studies entitled "Results from Radio." Vol. 1, No. 2 is on the subject of laundry advertising, and outlines the successful use of radio by the Buffalo General Laundries under the direction of Mr. Gordon Whitbeck, advertising manager. Members who have not ordered their supply of the Bureau studies are urged to do so at once. Order forms have been sent to all non-replying stations for this purpose.

COURT DISMISSES MOTION

Court of Appeals of the District of Columbia on Tuesday denied the motion of the Federal Communications Commission to dismiss the appeal of KSFO, San Francisco.

This is an appeal from a decision of the Commission on October 20, 1938, denying an application for the assignment of the license of the station to the Columbia Broadcasting System of California, Inc.

Headquarters office is seeking information concerning Tom Tannehill. We would appreciate information concerning his present whereabouts.

FCC COMMISSIONERS' FUNCTIONS FOR DECEMBER

The Federal Communications Commission announces that the work, business and functions of the Commission for the month of December have been assigned as follows:

Commissioner Payne—Designated to determine, order, report or otherwise act upon all applications or rqeuests for special temporary standard broadcast authorizations.

Commissioner Case—Designated to hear and determine, order, certify, report or otherwise act upon; (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided,* however, that such matters shall be handled in accordance with the provisions of Sections 1.251 and 1.256, inclusive, of the Commission's Rules of Practice and Procedure; (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has announced a final order granting Station KNEL, **Brady, Texas,** its application to increase hours of operation from daytime to unlimited on **1500 kilocycles,** 250 watts day, 100 watts night.

In another order the Commission denied the application of the Gateway Broadcasting Company for a construction permit to erect a new station at **Louisville, Kentucky,** to operate on **880 kilocycles,** 500 watts, unlimited time, using a directional antenna.

An amendment to a final order has been adopted by the Commission in the application of F. W. Meyer to erect a new station at **Denver, Colorado,** to operate on **1310 kilocycles,** 100 watts, 250 watts LS, unlimited time, "by adding a paragraph directing the permittee, within two months after the effective date of the order, to file with the Commission an application for modification of construction permit, specifying the exact time transmitter site and antenna system.

FINDING OF FACT

The Commission has announced its proposed finding of fact proposing to grant the application of M. C. Reece for a construction permit for a new station to be erected at **Phoenix, Arizona,** to operate on **1200 kilocycles,** 100 watts night, 250 watts LS, unlimited time.

In its proposed finding of fact, the Commission states that sufficient potential sources of advertising have been shown to exist in Phoenix "from which the applicant may reasonably be expected to derive adequate commercial support to insure the operation of the proposed station in the public interest." The Commission found that the proposed station will not cause objectionable interference from the operation of any station.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, December 4. It is subject to change.

Thursday, December 7

Hearing to Be Held in the Offices of the Federal Communications Commission, 1105 Rives-Strong Bldg., Los Angeles, Calif.

KIEV—Cannon System, Ltd., Glendale, Calif.—Renewal of license, **850 kc.,** 250 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

December 14

Oral Argument Before the Commission

Report No. B-80:

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 kc.,** 1 KW, unlimited time. Present assignment: **1370 kc.,** 100 watts, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.,** 1 KW, unlimited time. Present assignment: **1380 kc.,** 500 watts, unlimited time.

January 9

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—C. P., **1310 kc.,** 250 watts, unlimited time.

January 10

NEW—Chilton Radio Corp., Dallas, Tex.—C. P., **1370 kc.,** 250 watts, unlimited time.

NEW—V. O. Stamps, Dallas, Tex.—C. P., **1370 kc.,** 250 watts, unlimited time.

January 15

NEW—Joe W. Engel, Chattanooga, Tenn.—C. P., **1370 kc.,** 250 watts, unlimited time.

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.,** 100 watts, 250 watts LS, unlimited time.

January 16

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.,** 100 watts, unlimited time.

January 17

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Renewal of license, **1390 kc.,** 1 KW, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted construction permit to move transmitter site from 712 Eleventh St., N. W., to District 7, Bethesda, Md.; install new equipment and directional antenna system; and increase power from 250 watts night, 500 watts day, to 5 KW, employing directional antenna system both day and night.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted construction permit to increase night power from 1 KW to 5 KW, employing directional antenna system.

WSPD—The Firt Industry Company, Toledo, Ohio.—Granted construction permit to install directional antenna system for night operation and increase power from 1 KW to 5 KW.

KLZ—KLZ Broadcasting Company, Denver, Colo.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for day and night use.

KHSL—Golden Empire Broadcasting Company, Chico, Calif.—Granted construction permit to install new equipment and increase power from 250 watts, unlimited time, to 500 watts night, 1 KW day.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted voluntary assignment of license from Charles Leo Lintzenich to Fred O. Grimwood. (Station operates on **1290 kc.,** 100 watts power, daytime only.)

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—Granted amended construction permit to move transmitter site locally, install directional antenna system, new equipment, and increase in power from 1 KW to 5 KW, employing directional antenna both day and night.

KGIR—KGIR, Inc., Butte, Mont.—Granted modification of license to increase night power from 1 KW to 5 KW.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Granted modification of license to increase night power from 500 watts to 1 KW.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted modification of license to increase night power from 500 watts to 1 KW.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

KSCJ—Perkins Brothers Company (The Sioux City Journal), Sioux City, Ia.—Granted amended construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna system for nighttime operation.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted amended construction permit to move transmitter site locally, install new equipment and vertical radiator, and increase power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.

WDRC—WDRC, Inc., Hartford, Conn.—Granted amended construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for both day and night use.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted amended construction permit to move transmitter site locally, install directional antenna system, and increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation only.

KVGB—Helen Townsley, Great Bend, Kans.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted modification of construction permit to make changes in equipment and changes in directional antenna system; increase power from 1 KW night to 5 KW night, using directional antenna both day and night; also extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

WHUB—M. L. Medley, Cookeville, Tenn.—Granted modification of construction permit approving studio and transmitter sites, installation of vertical radiator and new equipment, and increase in night power from 100 watts to 250 watts.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted modification of construction permit approving transmitter site and installation of vertical radiator, changes in equipment and increase in night power from 100 watts to 250 watts.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted voluntary assignment of license of station WKRC from the Columbia Broadcasting System, Inc., to The Cincinnati Times-Star Company. (Station operates on **550 kc.**, 1 KW night, 5 KW day, unlimited time, using directional antenna both day and night).

KEX—Oregonian Publishing Co., Portland, Ore.—Granted modification of license to change frequency from **1180 to 1160 kc.**, and change hours of operation from simultaneous day, shares KOB night, to unlimited time.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of license to change hours of operation from simultaneous day, sharing KEX night, to unlimited time.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for the hearings have not yet been set.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Application for renewal of license for the period from December 1, 1939, to October 1, 1940, designated for hearing, to (1) determine the qualifications of licensee to operate the station; (2) to determine whether Form No. 728, executed by the licensee on August 1, 1938, pursuant to Rule 340.01, and the information submitted by the licensee in response to Sec. 7(d) of the application (executed Nov. 1, 1939) for renewal of station's license for the period beginning Dec. 1, 1939, or either of them truly and accurately reflect the distribution and ownership of the voting stock of the licensee corporation; (3) to determine whether the station's license, the frequency authorized to be used by the licensee, and the rights therein granted were transferred, assigned, or in any manner disposed of by transfer of the control of licensee corporation in violation of Sec. 310 (b) of the Comm. Act; (4) because of licensee's failure to comply with the provisions of Rule 340.01, Sec. 43.1 of the Comm. Rules and Comm. Order No. 37. A 90 day temporary extension was granted pending hearing.

KTRB—Thomas R. McTammany & William H. Bates, Jr., Modesto, Calif.—Application for construction permit to move transmitter site and install vertical radiator, make changes in equipment and increase power from 250 watts to 1 KW, and time of operation from daytime only, to limited to WSB. Exact transmitter site and type of antenna to be determined with Commission's approval. Application designated for hearing to determine the nature, extent and effect of interference which may be caused to KTRB operating as proposed in this application by KXL operating as is proposed in its pending application; and to determine the nature, extent and effect of interference which may be caused to KXL operating as proposed in its pending application by the operation of KTRB as proposed in this application.

WSAL—Frank M. Stearns, Salisbury, Md.—Designated for hearing the application for renewal of license, and granted a 60-day temporary extension of present license in conformity with, and subject to all the terms and conditions of the separate order of revocation entered October 24, 1939, and, further subject to the final determination of the Commission on said order.

KXL—KXL Broadcasters, Portland, Ore.—Application for construction permit to move transmitter and studio sites locally, from 4th and Pine, and Multnomah Hotel, to 7 miles Southeast of Portland, and 1101 SW Washington, Portland, respectively; install new equipment and directional antenna system; change frequency from **1420 kc.** to **740 kc.**, power from 100 watts night, 250 watts day, to 10 KW, and time of operation from sharing with KBPS to limited, employing directional antenna system for both day and nighttime operation.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KGFW, Kearney, Neb.; WAIM, Anderson, S. C.; WBBZ, Ponca City, Okla; WEDC, Chicago; WFAS, White Plains, N. Y.; WGCM, Gulfport, Miss.; WHBC, Canton, Ohio; WJBW, New Orleans; WLNH, Laconia, N. H.; KOCA, Kilgore, Texas; WMFF, Plattsburg, N. Y.; WSIX, Nashville, Tenn.

The following stations were granted renewal of licenses for the period ending August 1, 1940:

KFAC, Los Angeles; KGCX, Wolf Point, Mont.; WHK, Cleveland, Ohio.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—present license further extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Present license extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Present license extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

WHK—United Broadcasting Co., Cleveland, Ohio.—Present special experimentatal authorization to transmit facsimile signals from 1 a. m. to 6 a. m., EST, using 1 KW power, was further extended for a period of 1 month, for the period ending January 1, 1940, pending receipt of and determination upon application for extension.

KSUB—Leland M. Perry, Cedar City, Utah.—Extended special temporary authorization to Leland M. Perry, surviving partner of Johnson and Perry, a partnership composed of Harold Johnson and Leland M. Perry, to operate station KSUB for a period of one month from December 1, 1939, to January 1, 1940, upon a temporary basis only, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to KSUB.

The following Relay Broadcast Stations wree granted renewal of licenses for the regular period:

KEHA, area of San Francisco; WEGG, area of Atlanta; WEGI, area of Baltimore; WEGJ, area of Baltimore; WEGZ, area of

New Haven; KEHO, area of Salt Lake City; KEIK, area of Los Angeles; KEIP, area of Siloam Springs, Ark.; WEIU, area of New Orleans; KEHI, area of Fargo, N. Dak.; WELS, area of Tuscola, Ill.; WEND, area of Harrisburg, Pa.

Licenses for the following Relay Broadcast Stations expiring December 1, 1939, were extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal of license:

KEIM, area of Phoenix, Ariz; KEIO, area of Siloam Springs, Ark.; WEKA, area of E. Lansing, Mich.; WEHB, WEHD, WEHF, WEHU, WEHV, WEHX, area of Cleveland, Ohio; WENK, area of Erie City, Pa.; WEKF, area of Paducah, Ky.; WEGQ, area of Boston; WEHA, area of New York City.

WAXG—Florida Capitol Broadcasters, Inc., Area of Tallahassee, Fla.—Present Relay Broadcast Station license further extended on a temporary basis only from December 1, 1939 to January 1, 1940, pending determination upon application for renewal of license.

MISCELLANEOUS

KNET—Palestine Broadcasting Assn., Palestine, Texas.—Granted special temporary authority to operate additional time on November 24, in order to broadcast Palestine High School football game only.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB additional time on November 23, in order to broadcast the Thanksgiving Day football game between White Plains High School and Washington High School only.

WABL—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable MOPA 100-watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency of **1140 kc.**, in the vicinity of Portland, for the making of transmitter site tests, during daytime, for period of 10 days beginning November 22.

WABL—American Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft radio station KHAXF on the frequency **2790 kc.**, from 12 to 12:30 p. m., CST, on November 24, in order to relay broadcast Santa Claus program to Radio Station WGN.

WJG—Warner & Tamble Radio Service, Memphis, Tenn.—Dismissed petition to intervene in the hearing on the application of WPI.

Richard T. Sampson, Riverside, Cal.—Granted motion for leave to withdraw pending application for new station without prejudice.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted motion for continuance of hearing now scheduled for December 4, to a date convenient to the Commission.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted petition to intervene in the hearing on the application of WROL for C. P. to change frequency and increase power.

Joseph W. Engel, Chattanooga, Tenn.—Granted petition to intervene in the hearing on the application of Lookout Mountain Company of Georgia, for a new station in Lookout Mountain, Ga.

Dixie Broadcasting Corp., Lagrange, Ga.—Granted petition to intervene in the hearing on the application of Valley Broadcasting Co., for a new station at West Point, Ga.

Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—Granted petition to intervene in the hearing on the application of Stephenson, Edge and Korsmeyer, for a new station in Jacksonville, Ill.

Sentinel Broadcasting Corp., Syracuse, N. Y.—Denied petition for rehearing in re applications of Civic Broadcasting Corp., for a new station in Syracuse to operate on **1500 kc.**, 100 watts, unlimited time, which was granted by the Commission on October 5.

Palm Radio Company, Fort Meyers, Fla.—Denied petition and supplemental petittion requesting reconsideration of action taken by the Commission on October 3, in granting without a hearing the application of Fort Meyers Broadcasting Co. for a new station in Fort Meyers, Fla., to operate on frequency **1210 kc.**, 100 watts night, 250 watts local sunset, unlimited time.

KIEV—Cannon System, Ltd., Glendale, Calif.—Denied petition to reconsider action in designating for hearing the application for renewal of license for KIEV.

WSOC—WSOC, Inc., Charlotte, N. C.—Ordered the Secretary to wire broadcast station WSOC that license will expire December 1st, and no application for renewal or extension has been received.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.; KOH—The Bee, Inc., Reno, Nevada.—Scheduled for Oral Argument on December 14, 1939, the Commission's Proposed Findings of Fact and Conclusions (B-80) in Docket No. 5435, McClatchy Broadcasting Co., and Docket No. 5490, The Bee, Inc.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:45 p. m. to 9:45 p. m., CST, on November 28, December 22, 1939, in order to broadcast high school basketball games only.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army Plane Serial #AC38-520 from 1:45 p. m. to 2:15 p. m., PST, on November 26, 1939, for the purpose of promoting flying cadet enlistments.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast Station W2XVT from 9:00 a. m. to 6:00 p. m., EST, (provided W2XBS remains silent) for the period beginning November 27, 1939, and ending in no event later than December 9, 1939, in order to permit necessary adjustments for experimentation.

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted special temporary authority to perform site survey tests in or near Ogdensburg, N. Y., on the frequency **1370 kc.**, with a portable modified radiotelephone transmitter, having power output not in excess of 50 watts, with unmodulated carrier, for a period not to exceed ten days.

WENK—WLEU Broadcasting Corp., Portable-Mobile (Area of WLEU, Erie, Pa.).—Granted construction permit to install new equipment in high frequency relay broadcast station. Also granted license to cover same.

W3XO—Jansky & Bailey, Washington, D. C.—Granted license to cover construction permit for high frequency broadcast station to use frequency **43200 kc.**, and an experimental basis conditionally; 1 KW power, unlimited time; station to be located at 1219 Wisconsin Ave., Georgetown.

WMVB—Miami Valley Broadcasting Corp., Portable-Mobile (Area of WHIO, Dayton, Ohio).—Granted license to cover construction permit for new low frequency relay broadcast station; frequencies, **1622, 2058, 2150** and **2790 kc.**, 18 watts.

W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of construction permit for additional time to Feb. 28, 1940, to complete construction of high frequency broadcast station.

W2XVP—City of New York, Municipal Broadcasting System, New York City.—Granted modification of construction permit of high frequency broadcast station for changes in equipment and extension of completion date to 90 days after date of grant.

WBAN—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license for low frequency relay broadcast station to correct description of equipment and add A-1 emission.

WBAM—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license for low frequency relay broadcast station to correct description of equipment and add A-1 emission.

WBAQ—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile).—Granted modification of license of low frequency relay broadcast station to correct description of equipment.

WBAO—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile).—Granted modification of license of low frequency relay broadcast station to correct description of equipment.

WEGN—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile).—Granted modification of license of high frequency broadcast station to correct description of equipment.

WEGK—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile).—Granted modification of license of high frequency broadcast station to correct description of equipment.

WSOC—WSOC, Incorporated, Charlotte, N. C.—Extended upon a temporary basis only, pending receipt of and determination upon application for renewal of license, the license of Station

WSOC expiring 3 a. m., EST, December 1, 1939, until no later than 3 a. m., EST, February 1, 1940.

Brown Radio Service and Laboratory, Rochester, N. Y. (area of WSAY), Portable-Mobile.—Granted construction permit for low frequency relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.**, 50 watts.

KEIT—Midland Broadcasting Co. (area of KMBC, Kansas City, Mo.), Portable-Mobile.—Granted construction permit to make changes in equipment of high frequency broadcast station.

KAOV—KRIC, Inc. (area of KRIC, Beaumont, Tex.), Portable-Mobile.—Granted license to cover construction permit for new low frequency relay broadcast station; frequencies **1646, 2090, 2190** and **2830 kc.**, 40 watts.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted license to cover construction permit authorizing changes in equipment and increase in power and time of operation from 100 watts daytime to 250 watts, unlimited time.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted license to cover construction permit authorizing changes in equipment and increase in power from 100 to 250 watts.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted license to cover construction permit authorizing changes in equipment.

KAOU—Arizona Broadcasting Co., Inc. (area of KVOA, Tucson, Ariz.), Portable-Mobile.—Granted license to cover construction permit for new high frequency relay broadcast station, frequencies **31220, 35620, 27020** and **39260 kc.**, 10 watts.

WEJA—National Broadcasting Co., Inc. (area of WJZ and WEAF, N. Y.), Portable-Mobile.—Granted modification of construction permit to make changes in equipment and increase power to 100 watts in high frequency relay broadcast station.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted modification of construction permit for specific transmitter site.

WLWA—The Crosley Corp. (Cincinnati, Ohio, area of WLW, WSAI), Portable-Mobile.—Granted modification of license to change frequencies of relay broadcast station to **1622, 2058, 2150, 2790 kc.**

WLWB—The Crosley Corp. (Cincinnati, Ohio, area of WLW, WSAI), Portable-Mobile.—Granted modification of license to change frequencies of relay broadcast station to **1606, 2022, 2102,** and **2758 kc.**

WNOE—WBNO, Inc., New Orleans, La.—Granted modification of license to change name from WBNO, Inc., to WNOE, Inc.

KFJB—Marshall Electric Co., Marshalltown, Ia.—Granted authority to determine operating power by direct measurement of antenna input.

KEIA—Honolulu Broadcasting Co., Ltd. (Honolulu, T. H., area of KGMB), Portable-Mobile.—Granted modification of high frequency relay broadcast station license to change corporate name to Hawaiian Broadcasting System, Ltd.

WJMS—WJMS, Inc., Ironwood, Mich.—Granted authority to determine operating power by direct measurement of antenna input.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Neb.—Granted authority to determine operating power by direct measurement of antenna input.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted authority to determine operating power by direct measurement of antenna input.

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to operate daytime hours, with 50 KW while taking field intensity date, for a period not to exceed 30 days, during such days as data are actually being taken and balance of operation to be conducted with 1 KW auxiliary transmitter.

APPLICATIONS FILED AT FCC

620 Kilocycles

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 1 to 5 kilowatts, move transmitter from 116 N. Central Ave., Phoenix, Ariz., to 36th St. & Thomas Road, Phoenix, Arizona.

740 Kilocycles

KTRB—Thomas R. McTammany & William H. Bates, Jr., Modesto, Calif.—Modification of license to change time from day to limited to WSB, Atlantic, Ga., 250 watts day and night. Amended: to change to construction permit, move transmitter to site to be determined, Modesto, Cal., antenna to be determined, new transmitter and increase power to 1 kilowatt.

780 Kilocycles

WTAR—WTAR Radio Corp., Norfolk, Va.—Authority to determine operating power by direct measurement of antenna power.

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of construction permit B2-P-1767, as modified, for increase in power, new transmitter and antenna, move of transmitter, requesting extension of completion date from 11-30-39 to 1-30-40.

860 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitter and antenna, increase power from 1 to 50 kilowatts, move transmitter from North Kansas City, Mo., to site to be determined, Kansas City, Mo.

900 Kilocycles

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Construction permit for a new broadcast station to be operated on **900 kc.**, 1 KW, daytime operation.

940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install directional antenna for day and night use and increase power from 1 KW, 5 KW day, to 5 KW day and night. Amended to request use of directional antenna nighttime only.

990 Kilocycles

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Modification of construction permit B1-P-2161 for move of transmitter, and new transmitter and directional antenna for day and night use, further requesting changes in equipment.

1050 Kilocycles

KFBI—Farmers & Bankers Broadcast Corp., Wichita, Kans.—Modification of construction permit B4-P-1865 for new transmitting equipment, requesting approval of antenna and transmitter site at W½ of S½ of NW¼ of Sec. 28, Twp. 26, S. Range 1 East, R.F.D. near Wichita, Kans., and studio at 1st and Market Sts., Wichita, Kans.

1100 Kilocycles

KWKH—International Broadcasting Corporation, Shreveport, La.—Authority to determine operating power by direct measurement of antenna power, for **1100 kc.**, 50 KW power, unlimited time, as authorized by B3-MSA-50.

KWKH—International Broadcasting Corporation, Shreveport, La.—License to cover modification of special experimental authority, B3-MSA-50, for changes in equipment, increase in power, and move of transmitter.

1170 Kilocycles

NEW—Chester N. Williams, Orinda, Calif.—Construction permit for a new station to be operated on **1170 kc.**, 1 KW power, limited time.

1180 Kilocycles

KEX—Oregonian Publishing Co., Portland, Oregon.—Modification of license to change frequency from **1180** to **1160 kc.**, and hours of operation from simultaneous day, shares KOB night, to unlimited.

KEX—Oregonian Publishing Co., Portland, Oregon.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1180** to **1160 kc.**, increase power from 5 to 50 KW, change hours of operation from simultaneous KOB day and shares KOB night, to unlimited, move transmitter from Denver Ave., near Swift Road, North Portland, Oregon, to River Road, near Carver, Oregon.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Modification of license, change time to unlimited, contingent on KEX's application for **1160 kc.,** B5-ML-910.

1200 Kilocycles

KAST—Astoria Broadcasting Co., Astoria, Oregon.—Authority to determine operating power by direct measurement of antenna power.

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct measurement.

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—License to cover construction permit B1-P-1461, as modified for a new broadcast station.

1210 Kilocycles

KFVS—Oscar C. Hirsch, trading as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license to change frequency from **1210** to **1370 kc.,** and hours of operation from specified hours to unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license to change hours of operation from specified hours to unlimited, requesting facilities of KFVS if KFVS is granted unlimited time on **1370 kc.**

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Authority to determine operating power by direct measurement of antenna power.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—License to cover construction permit B3-P-2106, as modified for a new station.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—Authority to determine operating power by direct measurement.

NEW—Henry Estes, Austin Dean, & L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Construction permit for a new station to be operated on **1210 kc.,** 250 watts power, unlimited time.

NEW—T. Frank Smith, Houston, Texas.—Construction permit to erect a new station to be operated on **1210 kc.,** 250 watts, unlimited time. Amended: To change equipment, and give studio and transmitter sites as site to be determined, Houston, Texas.

KFXM—J. C. Lee & E. W. Lee, Lee Brothers Broadcasting Co., San Bernardino, Calif.—Construction permit to install new transmitter, new antenna and increase power from 100 to 250 watts, move transmitter from 512 Fifth St., San Bernardino, to Colton Ave., San Bernardino, Calif.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit to make changes in antenna and transmitter, increase in power from 1 KW; 5 KW day to 5 KW day and night, move transmitter from Virginia Drive, approximately 3½ miles N. E. of business district of Dayton, Ohio, to rural S. E. of city, near Dayton, Ohio.

1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Modification of construction permit B5-P-2344 to increase power, move transmitter, new transmitter, and antenna changes, further requesting changes in equipment and extend completion date 90 days; make changes in antenna.

1310 Kilocycles

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Construction permit for a new station to be operated on **1310 kc.,** 100 watts power, unlimited time. Amended re corporate structure.

1360 Kilocycles

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Authority to determine operating power by direct measurement.

1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Authority to determine operating power by direct measurement.

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit B3-P-2117, as modified, for changes in frequency, increase in power, change in hours of operation, install new transmitter and directional antenna, further requesting installation of new transmitter and increase power from 1 to 5 KW. Extend commencement and completion dates 60 and 180 days.

NEW—Helen L. Walton and Walter Bellatti, Jacksonville, Ill.—Construction permit for a new broadcast station on **1370 kc.,** 250 watts power, unlimited time.

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Voluntary assignment of license from Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., to Albemarle Broadcasting Co.

KVGB—Helen Townsley, Great Bend, Kans.—Authority to determine operating power by direct measurement.

WISE—Harold H. Thoms, Asheville, N. C.—Modification of license to increase power from 100 to 250 watts.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new transmitter, make changes in directional antenna, for night use, and increase power from 500 watts, 1 kilowatt day to 5 kilowatts day and night.

1400 Kilocycles

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—License to cover Construction permit B1-P-2481, for move of transmitter.

1420 Kilocycles

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construction permit for new transmitter.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Penna.—Modification of construction permit B2-P-2544, for equipment changes, increase in power, further requesting authority to install new transmitter.

KFAM—The Times Publishing Co., St. Cloud, Minn.—Authority to determine operating power by direct measurement.

1500 Kilocycles

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station to be operated on **1500 kc.,** 100 watts night and 250 watts day power, unlimited time. Amended: Antenna changes and give transmitter site as site to be determined, Kosciusko, Miss.

KUTA—Frank C. Carman, Jack Powers, David G. Smith, and Grant R. Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah—Modification of construction permit B5-P-2513, for new equipment requesting increase in power from 100 to 250 watts, extend commencement date 30 days after grant and completion date 60 days thereafter.

NEW—South Jersey Broadcasting Corp., Vineland, N. J.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time.

NEW—The Delmarva Broadcast Co., Salisbury, Md.—Construction permit for a new broadcast station to be operated on **1500 kc.,** 250 watts, unlimited time.

MISCELLANEOUS

NEW—WDRC, Incorporated, Meriden, Conn.—Construction permit for a new television broadcast station to be located on Summit of West Peak, Meriden, Connecticut, on **96000-102000 kc.,** 1 KW power, A-3 and A-5 emission. Amended: To request frequency of **66000-72000 kc.**

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—License to cover construction permit B1-PHB-71, for new high frequency broadcast station.

WEHG—Columbia Broadcasting System, Inc., Portable Mobile.—Modification of license to change authorized power from 1.5 watts to 2 watts and make changes in equipment.

NEW—The Crosley Corp., Cincinnati, Ohio—Construction permit for a new television broadcast station on **44000-50000 kc.,** 1 KW power, A-3 and A-5 emission, to be located at corner

Wine and Fifth Sts., 48th floor Carew Tower. Amended: To request **50000-56000 kc.**

NEW—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit for a new high frequency station on **42600 kc.**, 1 KW power, unlimited time, special emission. Located near Dayton, Ohio.

KFDA—Amarillo Broadcasting Corporation, Amarillo, Texas.—Authority to determine operating power by direct method.

KEJJ—National Broadcasting Co., Inc., Denver, Colo.—License to cover construction permit B5-PRE-302, for new equipment.

KEJK—National Broadcasting Co., Inc., San Francisco, Calif.—License to cover construction permit B5-PRE-303, for new equipment.

KEJL—National Broadcasting Co., Inc., San Francisco, Calif.—License to cover construction permit B5-PRE-304, for new equipment.

NEW—Henry Joseph Walczak, Springfield, Mass.—Construction permit for new television broadcast station located at 360 Worthing St., Springfield, Mass., to be operated on **1550 kc.**, 250 watts, unlimited time, special emission. Amended: To request frequency of **1650 kc.**

NEW—Boston Edison Co., Boston, Mass.—Construction permit for a new high frequency broadcast station located at 1165 Massachusetts Ave., Boston, Mass., frequency **42800 kc.**, special emission, 250 watts power. Amended: To request frequency of **43,200 kc.**

NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit for a new high frequency broadcast station, on **42600 kc.**, 1 KW power, special emission, located at Cleveland & Stokes St., Binghamton, N. Y.

WEMA—Westinghouse Electric & Mfg. Co., Portable-Mobile.—Modification of license to increase power to 50 watts.

WEMB—Westinghouse Electric & Manufacturing Co., Mobile.—Modification of license to increase power to 50 watts.

WEMN—Westinghouse Electric & Manufacturing Co., Mobile.—Modification of license to increase power to 50 watts.

WEMO—Westinghouse Electric & Manufacturing Co., Portable-Mobile.—Modification of license to increase power to 50 watts.

WLWO—The Crosley Corp., Mason, Ohio.—Modification of license to operate unlimited time on **17800 kc.** in addition to present licensed frequencies.

WEJN—National Broadcasting Co., Inc., New York, N. Y.—License to cover C. P. B1-PRE-306 for new equipment.

WEJW—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit B1-PRE-308, for new equipment.

WEJQ—National Broadcasting Co., Inc., Cleveland, Ohio.—License to cover construction permit B2-PRE-307, equipment changes.

NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new high frequency station located at 6001 Dickens Ave., Chicago, Ill., to be operated on **42800 kc.**, 5 KW power, special emission. Amended: To request 1 KW power and equipment changes.

WEOC—South Carolina Broadcasting Co., Inc., area of Charleston, S. C.—License to cover construction permit B3-PRE-249, as modified, for a new high frequency relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Celotex Corporation—A complaint has been issued charging The Celotex Corporation, Chicago, with violation of Section 7 of the Clayton Act through its acquisition of the capital stock of Certain-teed Products Corporation, New York, a competitor.

The complaint alleges that about January 1, 1938, The Celotex Corporation acquired from the Phoenix Securities Corporation 9,946 shares of the outstanding preferred stock and 109,360 shares of the outstanding common stock of the Certain-teed Products Corporation, and as consideration therefor. issued 43,744 shares of its own common stock and paid approximately $569,760 in cash. About March 1, 1939, the complaint alleges, The Celotex Corporation acquired from the General Investment Corporation and others approximately 40,000 additional shares of Certain-teed common stock for approximately $550,000 in cash and securities.

Acquisition by Celotex of Certain-teed's capital stock allegedly had the effect of substantially lessening competition in interstate commerce between the two companies; of restraining interstate commerce in the sale of structural insulation and acoustical material, including fiber and gypsum products, in certain parts of the country, and of tending to create a monopoly in The Celotex Corporation in the sale of such products. (3957)

Certain-Teed Products Corporation—See Celotex Corporation.

Jasper W. Efird—Charging violation of the brokerage section of the Robinson-Patman Act, a complaint has been issued against Jasper W. Efird, 200 West 34th St., New York, and 38 southern retail store companies of which he is a stockholder and director and by each of which he is employed as vice president to act as purchasing agent. Twenty-eight of the companies have stores in North Carolina, nine in South Carolina, and one in Virginia.

Operating from his New York office, which is listed as J. W. Efird, Efird Department Stores, Efird takes care of the purchasing requirements of the 38 store companies. It is alleged that sellers of such merchandise pay to Efird brokerage fees amounting to a percentage of the sales prices agreed upon between themselves on the one hand and the 38 buyers, through their agent, Efird, on the other, and that no services are rendered the sellers by Efird.

The brokerage fees received by Efird allegedly are used by him as an officer and employee of the various store companies in the payment of rent, salaries, wages, traveling expenses and other maintenance costs of their New York office and for other purposes solely for the benefit of these buyers.

The respondent Efird store companies are located in Charlotte (two companies), Wilmington, Raleigh, Winston-Salem, Salisbury, Durham, High Point, Gastonia, Lumberton, Rocky Mount, Goldsboro, Monroe, Lexington, Burlington, Wilson, Shelby, Statesville, Forest City, Albemarle, Lenoir, Laurinburg, Lincolnton, Greensboro, Kannapolis, Hickory, Kinston, and Greenville, N. C., and Columbia, Anderson, Greenville, Spartanburg, Greenwood, Rock Hill, Sumter, Greer, and Chester, S. C., and Danville, Va. (3955)

Levin Bros.—Complaints have been issued against Levin Bros., Terre Haute, Ind., and H & D Sales Company, Knoxville, Tenn., charging the use of lottery practices in connection with the sale of merchandise to ultimate consumers.

The complaint against Max, Morris L. and Isaac P. Levin, trading as Levin Bros., is in two counts, the first charging the respondents with the distribution and sale of assortments of knives, watches, candy and other merchandise along with punch boards involving a lot or chance feature to consumers. The second count charges the sale and distribution by respondents of push cards and punch boards involving lottery features in the sale of merchandise.

Respondents thus supply to persons, firms and corporations, the complaint alleges, instrumentalities for engaging in unfair methods of competition and unfair acts and practices in commerce in violation of the Federal Trade Commission Act.

H & D Sales Company, 320 North Gay St., Knoxville, Tenn., and Nathan J. Hubbard and Arthur Easton Davis, individually and as officers of the corporation, are charged with the sale and distribution of merchandise so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to ultimate consumers. (3954-3956)

W. H. Maze Company, Peru, Illinois, manufacturer and distributor of roofing nails, is charged in a complaint with misrepresentation in the sale of its products.

In advertisements in periodicals and other publications, the respondent represented that "Maze Anchor Lead Heads hold two to four times better—conclusive tests prove it."

The complaint alleges that the respondent's "Lead Head Anchor Shank Nails" do not have two nor four times the holding power, under normal conditions, of other nails ordinarily used for roofing. (3953)

Charles H. Phillips Chemical Company, New York, has been served with a complaint alleging misleading representations in the sale of "Phillips' Milk of Magnesia Cleansing Cream" and "Phillips' Milk of Magnesia Texture Cream."

The respondent corporation allegedly advertised that "if your skin seems 'acid.' if it has lost its fresh tone, smooth firm texture . . . then try the beauty-giving action of these milk of magnesia creams on your skin!" . . . "Help overcome 'acid' skin. You know how milk of magnesia taken internally relieves excess acidity of the stomach. In just the same way these new type milk of magnesia creams act externally on the excess fatty acid accumulations on the skin, and help to overcome unsightly faults and aid in beautifying."

It is alleged that the respondent's use of the phrase "Milk of Magnesia" in the name of its products has a tendency to mislead buyers because milk of magnesia has no therapeutic value in treating the conditions for which the respondent recommends it such as "acid skin," skin blemishes, enlarged pores or excess fatty acid accumulations, and will neither penetrate nor cleanse the pores nor improve the texture of the skin.

Skin blemishes are not caused by "acid skin"; in fact, there is no disease or abnormal pathological condition known as "acid skin," according to the complaint. The quantity of fatty acid on the normal skin is very small, the complaint continues, and neither the use of one nor of both the respondent's preparations will neutralize it in the same way that milk of magnesia neutralizes excess acid in the stomach, or so as to accomplish the results represented. (3959)

H & D Sales Company—See Levin Bros.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Clinical Laboratories, Inc., Official Research Bureau of New York, Inc., Federal Research Corporation, and Shelley Braverman, an individual, all of 149-50 Roosevelt Ave., New York, have been ordered to cease and desist from misrepresentations in the sale and distribution of "Retardo," a medicinal preparation advertised as a safe remedy for the treatment of excess weight.

The Commission finds that Shelley Braverman owns the majority of the stock in American Clinical Laboratories, Inc., and Federal Research Corporation, and owns all the stock of Official Research Bureau of New York, Inc., and directs and controls their sales activities and policies.

American Clinical Laboratories, Inc., is found to have represented in newspapers and periodicals and in radio continuities, among other things, that "Retardo" is "absolutely free of all harmful ingredients," and is "the newest discovery for the reduction of excess weight," and Federal Research Corporation to have represented that it "contains no dangerous drugs," when according to the findings, the product is not an effective or reliable treatment for losing weight, and contains a substantial amount of boric acid, which is harmful when taken in the amounts and over the period of time directed by the respondents.

American Clinical Laboratories, Inc., Federal Research Corporation, and Shelley Braverman, are ordered to cease and desist from representing that the use of "Retardo" is a safe, competent, effective or reliable method for losing weight, and that use of the preparation will reduce weight without dieting or exercise. These respondents are also directed to cease representing, through their failure to reveal that the preparation is not wholly safe for use in self medication, that it contains no harmful or dangerous drugs, and that its use will have no ill effects upon the body.

The order further requires the American Clinical Laboratories, Inc., Official Research Bureau of New York, Inc., and Braverman to cease representing, through use of the terms "Approved by the Official Research Bureau of New York" or "Seal of Approval, Official Research Bureau of New York," or through use of the corporate name "Official Research Bureau of New York, Inc.," to designate or refer to the preparation, that it has been approved by any research bureau having an official connection with the city or State of New York, or has been approved by any municipal, State or governmental agency or bureau whatsoever. (3415)

Benson Speciality Company—Robert H. Benson and Emma Benson, trading as Benson Specialty Company, 251 Plymouth Building, Minneapolis, and engaged in the sale and distribution of specialty merchandise, have been ordered to cease and desist from misrepresentation of the value of coupons and certificates used in the sale and distribution of their merchandise, and of prices at which their products are offered for sale.

Among such typical representations in newspapers and periodicals, the findings state, are: "SPECIAL. This certificate and 59¢ entitles the bearer to one of our genuine indestructible $3.00 vacuum filler sackless fountain pens. Introductory offer. This pen will be $3.00 after sale. Limit 3 pens to each customer." . . . "This coupon is worth $3.02. This coupon and $1.98 entitles the bearer to one of our regular $5.00 Electro Heat Kwick hot water disc as above described. LIMITED SUPPLY AT INTRODUCTORY PRICE. Through special arrangement with the manufacturer we are able to offer for 2 days only a special advertising discount of $3.02 on each Electro Heat Kwick nationally advertised at $5.00. Note—due to limited supply only one to each coupon."

In truth and in fact, the findings continue, the prices represented by the respondents as the customary retail prices of the products are fictitious and greatly in excess of the prices at which the articles customarily are offered for sale and sold, and the respondents are not conducting an introductory or special offer, and the certificates or coupons referred to in advertisements do not have the values therein specified or any value whatever, as the prices charged by the respondents in addition to the certificates or coupons are the regular prices at which the products are sold in the usual course of business.

The respondents are ordered to cease and desist from representing as the customary or regular prices of their products, prices and values which are in fact fictitious and in excess of prices at which such products are customarily offered for sale, and from representing that any articles of merchandise regularly sold in connection with the use of any purported certificate or similar device, have any value in excess of the actual money price required to be paid, or that any coupon or similar device has any monetary value in the purchase of an article which is regularly sold by the respondents with or without such coupon or similar device at the price required to be paid. (3795)

Federal Research Corp.—American Clinical Laboratories, Inc.

Grey Advertising Agency, Inc.—Waldes Koh-I-Noor, Inc.

Official Research Bureau of New York, Inc.—American Clinical Laboratories, Inc.

Perma-Maid Company, Inc., Cincinnati, selling agent and distributor of stainless steel cooking utensils, has been ordered to cease and desist from unfair disparagement of the products of competitors.

The Perma-Maid Company and its officers, representatives, agents and employees, are ordered to cease representing that food prepared or kept in aluminum utensils is detrimental to the health of the user thereof; that the preparation of food in aluminum utensils causes the formation of poisons, and that the consumption of food prepared or kept in aluminum utensils will cause ulcers, cancers, cancerous growths and various other ailments, afflictions and diseases. (3268)

Waldes Koh-I-Noor, Inc., 47-52 Twenty-seventh St., Long Island City, New York, manufacturer and distributor of fastening devices for men's and women's apparel, and The Grey Advertising Agency, Inc., 128 West 31st St., New York, have been ordered to cease and desist from misrepresentations in the distribution and sale of ladies' handbags.

The Commission finds that the Waldes Koh-I-Noor company manufactures devices such as snap fasteners, snap buckles, hook and eye and slide fasteners. One of its manufactured devices is a slide fastener or zipper designated "Kover-Zip." As a means of promoting sales of its products, the findings continue, the Koh-I-Noor company causes ladies' handbags, including certain of its fastener products to be manufactured.

During the spring and fall of 1936, respondents engaged in an advertisement and sales promotional program of ladies' handbags and purses equipped with "Kover-Zips." Plans for the campaign, the findings continue, were laid out and executed by The Grey Advertising Agency, for Waldes Koh-I-Noor company, and were financed by the latter company. In connection therewith respondents purchased, in France, a number of ladies' handbags designed and manufactured by various couturiers. Only one bag of each particular design was purchased. Prices paid in France for the articles ranged from $11.38 to $22.75, at the rate of exchange when purchased. Customs duties, consular fees, packing, delivery and other charges increased the cost of the delivered articles in this country to sums ranging from $15.86 to $31.21 per handbag. The handbags were then distributed among certain handbag manufacturers in the United States for copying as to design and style, for production in commercial quantities to sell at prices ranging from $2.95 to $3.50.

Pursuant to the sales promotional program, the Commission finds, respondents caused 24 of the imported French-made bags to be illustrated in page advertisements appearing in issues of a magazine having a wide circulation throughout. The advertisements represented the retail prices of the imported handbags to be from $35 to $95.

The purpose of the magazine advertisements, the findings continue, was to create a price basis and promotional background for subsequent advertising and sale of the Waldes Koh-I-Noor company's American-made copies of the French-made handbags, and not to induce the purchase of the original handbags. The originals illustrated were not, in fact, offered for sale to retailers or in regular selling channels at prices ranging from $35 to $95. Imported handbags of the same quality, style, design and material as the handbags purchased in France by respondents and illustrated in the advertisements, when offered for sale in the United States, the findings continue, do not command prices of more than about half the value represented in the advertisements.

Findings of the Commission are that the ladies' handbags offered for sale and sold by respondents were copies of French-made handbags in style and design only. In matters of ornament, materials and workmanship, respondent's handbags were substantially lower in quality and value than the French-made handbags. The offering for sale of such handbags represented to be "authentic copies," "identical copies," "identical facsimiles" or "exact reproductions," the findings point out, has the tendency to mislead and deceive members of the buying public, and the acts and practices of the respondents are to the injury of the public and respondent Waldes Koh-I-Noor company's competitors, and constitute unfair methods of competition.

Respondents are ordered to cease and desist from representing or inducing others to represent that any imported French-made ladies' handbags have been regularly offered for sale at a retail price at which the same have not been or are not regularly offered for sale; from representing that any imported handbag has a value which such handbag does not have; from representing that any domestic-made handbags are "copies," "reproductions" or "facsimiles" of imported handbags, unless such domestic-made handbags are true copies in all particulars, inclusive of design, style, material, ornament and workmanship, comparable and equal in quality to the imported handbags of which the domestic-made handbags are copies. It is further ordered that respondents cease and desist from distributing any advertising material which contains any of the aforesaid representations for use in connection with the promotion of the sale of any such article. (3269)

STIPULATIONS

The Commission has entered into the following stipulations:

Alliance Ribbon & Carbon Mfg. Company—Earl Herstam, trading as Alliance Ribbon and Carbon Manufacturing Company, 970 North 8th St., Philadelphia, in the sale of typewriter ribbons and carbon paper, will cease employing the word "Manufacturing" as part of his trade name or the words "Factory, New York", on letterheads or trade literature, when in fact he does not own or control a factory in which the articles he sells are made. Herstam also agreed to discontinue use of any feigned or fictitious designation like "Distributor" as descriptive of his business status, with a tendency to mislead buyers into believing that he is a duly appointed agent of some concern other than himself for the marketing of its merchandise, when such is not a fact. (2586)

Morris N. Beitman, 3727 West Thirteenth St., Chicago, according to his stipulation, compiles pamphlets containing technical reading matter prepared from material which he in part furnishes and which in part is taken from catalogs of manufacturers of various devices used in the air conditioning field. In the sale of his pamphlets, Beitman agrees to cease using the words "complete course" in a manner tending to convey the impression that they constitute a complete course in the technical science of air conditioning, heating or ventilating. Among other representations to be discontinued are: that the pamphlets were prepared by Beitman for the Chicago Technical Society and that "It's no trick to obtain work in air conditioning, the field with more jobs than available trained men." (2578)

Blue Ribbon Hatchery, Inc., New Knoxville, Ohio, is in the chick hatchery business, selling hatching eggs and also chicks incubated at its place of business from eggs purchased from poultry farmers. Under its stipulation, the respondent company agrees to desist from advertising or representing that its hatching eggs are from flocks that have been either culled or blood tested or otherwise treated for any disease, when such is not a fact, or when only a portion of the flocks supplying the eggs have been so treated or tested during the current season. The respondent also agrees to discontinue employing any disease control term such as "blood tested" in advertising in such a manner as to have the effect of misleading buyers into believing that officially approved methods have been used in making these tests, when such is not a fact. (2577)

Boyer Chemical Laboratory Company, 2700 Wabash Ave., Chicago, agrees to cease advertising generally or without proper qualification, that "Boyer's Zinc Soot Destroyer" burns up the soot in chimneys or that by use of this substance the chimney soot turns into a light, white, powdery ash, or that a chimney is made clean or given a perfect draft, or that the product may be relied upon to prevent chimney fires. The respondent also agrees to discontinue representing itself as "Exclusive Licensed Manufacturers". The stipulation points out that while a soot remover like the respondent's may reduce soot in a furnace and flue pipe, its efficacy does not usually extend to the chimney, and there is always a danger of the burning soot emitted from a chimney falling on inflammable materials. The respondent's product, according to the stipulation, is composed of zinc filings, a standard commodity on which there is no patent or exclusive right to manufacture. (2592)

Curtis A. Davis, 123 West Avenue 30, Los Angeles, Cal., agrees to cease advertising that "Jane Cook's Wonder Tissue Creme" will furnish nourishment to the tissues or cells or increase the size of the bust, or that a flat chest is due to a lack of nourishment in the tissue cells of the chest, or to the fact that in a case of flat chest the cells are shrunken or collapsed. The respondent agreed to cease representing that the product heretofore designated "Jane Cook's Wonder Tissue Creme" is in fact a "tissue" cream, either by inclusion of that word in the name for the product, or otherwise. (02462)

Dawe's Products Company, Inc., Chicago, Ill., manufactures products for use as ingredients in compounding poultry and other live stock feed and sells such preparations under the names "Vitamelk", "Dawe's Vitamelk", "D. V. Base", "Vitamelk Base", and "Vitamelk Concentrate". The respondent corporation agrees to cease representing that "Vitamelk" is nutritionally correct or that its use will achieve higher egg production, faster growth, earlier maturity, higher hatchability and reproduction, strong and bigger chicks, longer life of layers and breeders, improvement in quality of milk and flavor of meat, lower mortality, and other accomplishments, unless, in direct connection with each and every such representation, it is clearly stated that the benefits claimed will obtain only when there is a deficiency or sub-optimal supply of vitamins or other constituents of the product in the feed or ration ordinarily provided such poultry or animals. Among other representations to be discontinued are that the respondent's product is scientifically balanced and united, and not merely mixed, or that it is a compound, and that "Vitamelk" is the one or only source offering vitamins in liberal amounts or rare minerals in necessary amounts. The respondent company also stipulates that it will not use the words "Guarantee" or "Guaranteed" in connection with the advertisement or sale of its products, unless clear and unequivocal disclosure is made of exactly what is offered by way of security, for example, refund of purchase price. (2581)

Great Lakes Optical Company—Harry Greenberg, sole trader as Great Lakes Optical Company, 160 North LaSalle St., Chicago, stipulates that he will cease representing that any optical goods bought and sold by him at a profit are available to the purchaser at "factory-to-you prices", or that such goods are delivered directly from "factory Great Lakes Optical Company", when there is no such factory. The respondent will also desist from misleading uses of the words "guaranteed" or "certified", and will cease misrepresenting the gold content of merchandise. (2591)

Hudson Bay Down Quilt Company, Inc., 330 South Wells St., Chicago, a corporation controlled by Isadore Buchman, agrees, in the sale and distribution of quilts or comforts and pillows, to desist from the use in its advertising, or from permitting the use by its salesmen or agents, of any fictitious figure purporting to be the regular sales price of its product, and to discontinue any representation that an offered price is an "Off-Season", "Special", "Introductory", or "Half" price, when such are not the facts. The corporation also agrees to cease employing the words "Satin" or "Taffeta", so as to imply that fabrics are composed of silk, when such is not a fact, and, if such words are used properly to describe the type of weave or construction of a rayon fabric, to immediately accompany them by the word "Rayon" in equally conspicuous type, indicating clearly that the product is rayon, as for example, "Rayon Satin" or "Rayon Taffeta". The corporation will also cease use of the words "Clairanese" or "Celanese", either alone or in connection with the words "Satin" or "Taffeta" as descriptive of rayon products, unless the term "Rayon" is set forth as part of and in immediate connection with such words and with equal conspicuousness. The corporation will also desist from representing quilt sizes which are not the true sizes of the finished product, and from use of the words "Hudson Bay", to imply that it has any connection with Hudson's Bay Company of Canada, or that it is selling the products of Hudson's Bay Company. (2583)

Kenton Pharmacal Company, 423-425 Greenup St., Covington, Ky., will discontinue advertising that the preparation now designated "A. M. Solution" is competent in treating ring worm, impetigo, eczema, insect bites or other skin irritations, unless the claim is limited to relief of itching and discomfort; that it is adequate for treating any condition of athlete's foot or similar ring worm condition, when such condition is refractory, that is, after the fungus has burrowed into the skin; and that years of research have been devoted to experiments with combinations of drugs to arrive at the formula of "A. M. Solution." (02463)

Lectrolite Corporation, Defiance, Ohio, manufacturer of wrenches and others tools, agrees to desist from advertising, branding or stamping tools, wrenches or other steel products as "chrome vanadium steel" or "chrome vanadium," when they do not actually meet the standard specifications entitling them to be properly so designated. (2584)

Piepgras Light Company—S. Piepgras, sole trader as Piepgras Light Company, Tinley Park, Ill., distributor of lamps, lanterns and heaters, agrees to cease describing his "No. 18 Giant" gasoline lantern as a 300-candlepower light, when such is not a fact, or representing that such a lantern makes a chicken coop or other enclosure "light as daylight," or that such lamp is equal to 20 ordinary lamps, unless competent scientific tests support the latter claim. The respondent also agrees to discontinue misleading uses of the word "guaranteed." (2589)

Repeat Sales Company—Martin L. Bechtold and David Ginsberg, trading as Repeat Sales Company, 722 Fifteenth St., Denver, Colo., have agreed to cease the sale and distribution of sales promotion cards so designed that their use by retail merchants constitutes the operation of a lottery, game of chance or gift enterprise. (2585)

Samarkand Rugs, Inc., 300 Fifth Ave., New York, importer of cotton rugs, agrees to abandon the unqualified designations "Oriental Replica," "Oriental Reproduction," "Chinese Replica," or "Chinese Reproduction" for rugs which are not actually Oriental or Chinese replicas or reproductions. The words "Oriental" or "Chinese" are not to be used in connection with rugs which do not contain all the inherent qualities of Oriental or Chinese rugs, unless, where properly used to describe the design or pattern, they are accompanied in conspicuous type by other words indicating that only the form delineated on the surface of the rugs is a likeness of an Oriental or Chinese type, as, for example, "Oriental Design" or "Oriental Pattern." (2593)

Samuel Schlossman & Sons, Inc., 41st St. & 6th Ave., New York, in the sale and distribution of furniture from its New York retail stores, stipulates that it will discontinue representing such products as being "Custom Made" or "Custom Grade," unless they are made on specific order of customers, and will cease advertising furniture as being made of "Mellow Maple," "Modern Walnut," "Inlaid Walnut," "Burl Walnut," "Rosewood" or other wood of recognized quality, when such is not a fact. The respondent agrees to cease representing gumwood as being a high quality wood or advertising or selling imitations of high quality woods without full disclosure of the simulation. (2588)

Standard Brief Case Company, 41 West 25th St., New York, agrees to discontinue use of the expression "Nu Leather" as a trade name, stamp or label for such of its products as are not composed of leather or hide, and to cease employing the statement "Will not crack—will not scuff—will not peel—is waterproof," in connection with products which are not proof against cracking, scuffing, peeling or water. The respondent also agrees to desist from use of the words "Genuine Cowhide" to imply that certain of its products are composed of leather made from the top or grain cut or layer of the cowhide. If they are composed of leather made from an inner or fresh cut of the hide, the word "Cowhide," if used as descriptive thereof, is to be immediately accompanied by language in conspicuous type indicating clearly that the products are not made of the top or grain cut or layer of the hide, according to the stipulation. (2582)

Sterling Cake Company, Inc., 62 Schenectady Ave., Brooklyn, agrees to desist from the use of the Seal of Holland in connection with the sale of its cookies and cakes, in any manner to imply to purchasers that the products are imported from Holland, and from use of the word "Holland" in connection with the word "Damstagg," to imply to purchasers that a product is imported from Holland, when such is not the fact. The corporation agrees that if its products are the same type as a commodity produced in Holland and the words "Holland Style" are used as descriptive thereof, then the words "Holland Style" shall be accompanied by other words in type equally conspicuous to indicate clearly that the products are of domestic origin. The respondent also stipulates that it will desist from representing on cartons or in any other manner whatsoever that the products are home-made, when such is not the fact. (2579)

Oscar E. Swenson Company—Oscar E. Swenson and Harry R. Leahy, formerly trading as Oscar E. Swenson Company, 279 Washington Ave., Brooklyn, in the manufacture of a preparation for treating silk stockings, agree to desist from use of the term "Pre-Vent-A-Run" as a trade name or designation for the product, the effect of which usage may tend to convey the impression that employment of the treatment will do away with runs in silk hosiery, when in fact it would not achieve this result. (2590)

Whiting-Mead Company, 2260 East Vernon Ave., Los Angeles, owner of the registered trade name "Wonder Tile Company," and manufacturer of "Wonder-Tile" and other building materials, will discontinue representing by use of the words "Wonder-Tile" or "tile" that its products are "tile" as that word is understood in the building trade and by the public, unless, in immediate conjunction with the words "Wonder-Tile" or "tile," there appear in equally conspicuous type other words designating the material or substance of which the products are made, such as "wood tile," "glass tile," "rubber tile," "asbestos tile," "copper tile," "cork tile," or "metal tile." (2587)

W. W. Von Todenwarth Company—W. W. Von Todenwarth, trading as W. W. Von Todenwarth Company, Tampa, Fla., in the sale of the medicine "Recto-Nol," agrees that he will discontinue representing it as a cure for piles; as eliminating all the suffering caused by piles, or the necessity of an operation; or as a new scientific or complete treatment the results of which are guaranteed. (02464)

FTC DISMISSES CASES

The Federal Trade Commission has closed its case in which International Radio Corporation, 559 Williams St., Ann Arbor, Mich.; Wieboldt Stores, Inc., 106 South Ashland Blvd., Chicago, and Davega-City Radio, Inc., 76 Ninth Ave., New York, were charged with misrepresentation in the sale of radio sets.

The three respondent companies have agreed to discontinue the unfair practices charged in the complaint and to accept and abide by the rules of fair trade practice for the radio receiving set manufacturing industry as promulgated by the Commission July 22, 1939.

The case was closed without prejudice to the Commission's right to reopen it, should future acts so warrant.

The Commission has also dismissed a complaint charging James S. Sutton, Inc., 717 Fifth Ave., New York, and James S. Sutton, individually, operators of linen shops, with violation of the Federal Trade Commission Act in the sale of their products.

A complaint has also been dismissed charging Schenley Distillers Corporation, New York, a holding company controlling subsidiary liquor companies in various parts of the country, with violation of Section 7 of the Clayton Act through purchase of the capital stock of the Bernheim Distilling Company, Louisville, Ky., a competitor.

The dismissal order recites that subsequent to the issuance of the complaint but prior to taking testimony, Bernheim Distilling Company, a Delaware corporation, transferred all of its assets to Schenley Distillers Corporation, which in turn transferred them to another subsidiary, the George T. Stagg Company, Frankfort, Ky., and Bernheim Distilling Company, the Delaware corporation, was dissolved.

The Commission has also dismissed a complaint charging James T. Jarrell, trading as Standard Business Training Institute, Genesee Building, Buffalo, with use of unfair methods of competition in the interstate sale of a correspondence course of instruction intended to prepare students for positions as traffic inspectors or checkers for transportation companies.

Reports

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 49, December 8, 1939

DISTRICT MEETINGS

Below is a revised list of coming district meetings. Be sure to attend. They are highly important. The fate of the copyright program is at stake. Be sure to notify non-members in your area that they should be there, too.

District No.	*City*	*Hotel*	*Date of meeting*
District 3			First week in January (*)
District 4	Washington	Mayflower	December 16
District 5	Jacksonville		January (*)
District 6			January 2 or 3 (*)
District 11	Minneapolis	Radisson	December 13
District 12	Tulsa	Hotel Tulsa	December 11
District 13	Dallas	Baker	January 5
District 14	Denver	Albany	December 9
District 15	San Francisco	Palace	January 10
District 16	Los Angeles	Ambassador	January 9
District 17	Portland	New Heathman	January 12

(*) Additional details will be sent to you as soon as possible.

New England Goes 100 Per cent for Broadcast Music

One hundred per cent support of Broadcast Music, Inc., was voiced by New England broadcasters at a District One meeting Wednesday in Boston.

Managers of 16 of the 29 stations represented pulled out their fountain pens and signed stock subscriptions after Paul W. Morency, WTIC, district director, and Sydney Kaye explained how Broadcast Music, Inc., should go a long way toward solving the industry's vital copyright problem.

With equal enthusiasm, the other 13 managers either pledged subscriptions within a few days or said they would recommend subscriptions to their station owners.

Those stations which subscribed:

WICC, WTIC, WATR, WAAB, WBZ-WBZA, WEEI, WMEX, WNAC, WSAR, WLLH, WBRK, WMAS, WTAG, WEAN, WJAR and WBNX.

Practically 100 per cent of the broadcasters at the combined meetings of Districts Eight and Nine at South Bend, Ind., on Wednesday also pledged their support of Broad-

(Continued on page 3882)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel;* Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research*

NEW ENGLAND GOES 100 PER CENT FOR BROADCAST MUSIC

(Continued from page 3881)

cast Music, Inc. Neville Miller joined the district directors, John Fetzer and William H. West, in explaining the plan.

Although stock subscriptions were not discussed at the District Seven meeting in Dayton, O., on Tuesday, Kentucky and Ohio broadcasters indicated that they would give undivided support to the NAB's copyright program. After Mr. Miller and J. H. Ryan, district director, had described the program in detail, it was endorsed by unanimous vote.

Present at the District One meeting:

P. W. Morency, WTIC; John Shepard, 3rd, WNAC-WAAB-WEAN-WICC; Joseph L. Miller, NAB; Sheldon B. Hickox, Jr., NBC; Earle B. Clement, WLNH; Mildred P. Stanton, WORC; Robert W. Booth, WTAG; John W. Haigis, Jr., and James L. Spates, WHAI; W. C. Gartland and Frank E. Chizzini, NBC; David M. Kimel and M. William Noble, WLAW; George Lasker and Ashley L. Robinson, WORL; Alfred J. Pote and William S. Pote, WMEX; E. E. Hill, WTAG; Quincy A. Brackett, WSPR; C. Glover DeLancy and Cedric W. Foster, WTHT; Walter Haase, WDRC; Edwin J. Morey, WNLC; S. P. Willis, WPRO; John J. Boyle, WJAR; Harold Thomas, WBRK-WATR; William T. Welch, WSAR; L. Thomas, WBRK; L. Travers, Yankee Network; George F. Kelley, Jr., WFEA-WRDO-WCSH; A. S. Moffat, WMAS-WLLH; K. F. Horton and L. G. del Costilla, WEEI; John Holman, WBZ; G. Harrison, Colonial Network; S. M. Kaye, NAB; and J. Arnold Farrer, W1XOJ.

Those attending the District Seven meeting:

Robert Mackenzie, WCMI; Gilmore N. Nunn, WLAP; James Cox and Nathan Lord, WAVE; W. Lee Coulson and Robert L. Kennett, WHAS; Mrs. Edythe F. Melrose, Harold Sutherland and Ted Winter, WJW; C. A. Rowley and R. B. Rowley, WICA; Felix Hinkle, WHBC; James Krautters, WCKY; N. A. Latham, WKRC; Jerry Branch, WLW; E. K. Bauer, WSAI; Carl Everson, WCLE-WHK-WHKC; Gene Carr, WGAR; Vernon Pribble, WTAM; Richard A. Borel and William Orr, WBNS; Kenneth Johnston and Neal Smith, WCOL; J. Leonard Reinsch and Dave Brown, WHIO; Ronald B. Woodyard, WING; Don Ioset, WLOK; Ralph Patt, WPAY; J. H. Ryan, E. Y. Flanigan and George L. Young, WSPD; Stanton P. Kettler, WALR; Neville Miller, NAB; M. M. Blink, Standard Radio; Maurice Wetzel, NBC Thesauris; and Manuel Rosenberg, The Advertiser.

At the District 8-9 meeting were:

J. H. Keene, and R. R. Baker, WTRC; Martin Leich, WGBF; W. C. Swartley, and Ford Billings, WOWO; C. F. McLaughlin, WIBC; R. E. Bausman, WIRE; W. W. Behrman, WBOW; J. F. Hopkins, WJBK; O. F. Uridge, WJR; Howard Loeb, WFDF; John E. Fetzer, WKZO; Grant Ashbacker, WKBZ; and Angus D. Pfaff, WHLS.

Ken Rice, WDWS; W. E. Hutchinson, WAAF; Marie Clifford, WHFC; William H. West, WTMV; Edgar L. Bill, WMBD; Walter Koessler, WROK; Charles C. Caley, WDZ; T. F. Kyler, WCLO; H. R. LePoidevin, WRJN; H. Born, WHBL; Joseph A. McDonald, Donald Marcotte and Maurice Wetzel, NBC; and Milton Blink, Standard Radio.

CIRCUIT COURT REFUSES TO DISMISS WNEW APPEAL

The first step towards a reversal of the decision in *RCA* v. *Whiteman* was won by WBO Broadcasting Corporation, when the Circuit Court of Appeals on Wednesday, December 6, denied the motion made by RCA to dismiss the WNEW appeal. The motion was argued Monday, December 4, by Colonel Joseph M. Hartfield, of White & Case, co-counsel with Stuart Sprague, both retained by NAB for the broadcasters; and by David MacKay, for RCA. This clears the way for the printing of the record and briefs, and argument on the merits.

The lower court, among other things, had enjoined WNEW from broadcasting Victor records, principally on the ground that it constituted unfair competition with RCA. It is hoped that on appeal this decision may be reversed. The Circuit Court has now held that WNEW may appeal.

The members have been advised recently of the issues in the case and its ramifications through NAPA and the A. F. of M., in an exhaustive summary printed in NAB Reports, November 24, 1939. Their attention is drawn at this time to that summary as the most complete and illuminating statement of the controversy it is possible to provide.

Denial of RCA's motion to dismiss WNEW's appeal is a forward step in the broadcasters' campaign. The interests of the industry will continue to be protected in the fullest measure by the counsel retained. The NAB will promptly advise the members, either in NAB Reports or by special bulletin, of any significant developments in the situation.

Tax Bureau Revises Its Radio Depreciation Figures

A recent inquiry to Mr. Timothy C. Mooney, Deputy Commissioner of the Bureau of Internal Revenue, resulted in the following letter:

TREASURY DEPARTMENT
WASHINGTON

December 1, 1939

National Association of Broadcasters,
1626 K Street, N.W.,
Washington, D. C.

Attention: Mr. Spence

Sirs:

Reference is made to office letter of January 5, 1937, with respect to the average useful lives of depreciable property owned by radio broadcasting companies and to your verbal request that you be advised in connection with changes which may have been made in such lives since that letter was written. The information now available to this office indicates that the lives shown therein should be adjusted to those indicated below:

Group Lives:

Transmitter equipment	10 years
Studio control equipment	10 years
Speech input equipment	10 years
Antenna equipment	12 years
Towers	15 years
Buildings	20 years
Studio furniture and fixtures	7 years
Office furniture and fixtures	15 years
Pipe organs, pianos, etc.	10 years
Television equipment	4 years
Facsimile equipment	5 years

In this connection it should be kept in mind that the lives stated above are averages built up on the experience available for the equipment of all companies for which data could be obtained and may not be applicable to the assets of a particular company whose experience may indicate shorter or longer lives.

Respectfully,
Timothy C. Mooney,
Deputy Commissioner

By E. L. Lindsey,
Assistant Head of Division.

It will be noted that allowance for deprecation cannot be predicted upon a general average. Each broadcaster should produce all the facts pertinent to his own case and press for a decision thereon without reliance upon general practices.

"Radio's Riches" In Mail

Sample copies of "Radio's Riches—How You May Bring Them to Your Home," a sixteen page booklet in rotogravure, will be mailed all stations on Monday, December 11.

Their low price of eleven dollars per thousand is possible because of paper contracts made prior to price increases and to the large printing which is expected to run into several million.

The booklet contains the dynamic story of American radio and is especially designed for mass circulation.

In a letter on December 7, captioned, "The Radio Industry's Next Selling Job," which announced the completion of "Radio's Riches," Ed Kirby, director of public relations, said: "The radio industry has sold millions of people millions of things. And, despite rumors to the contrary, it has sold itself to millions of listeners, even though the majority of listeners perhaps don't know it.

"After all, people are people, and think mostly in terms of favorite radio personalities and favorite programs when they think of radio. They do not think in terms of the American System of Broadcasting which makes it possible for them to hear these programs on schedule, around the clock, day after day.

"What radio needs to do is to re-awaken this sleeping loyalty of listeners for American radio is going through one of its most trying periods.

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"There is, at the moment, no need for undue alarm. But for a variety of reasons, there does exist an urgent need for the widest possible understanding of radio by the greatest number of listeners. While ignorance continues, those who wish to attack the industry for selfish reasons, find a juicy opportunity to do so, because of the condition of an uninformed public."

Labor Notes

Attorney General Frank Murphy has backed up the contention of his assistant, Thurman Arnold, that labor unions can be prosecuted under the anti-trust laws for illegal practices. In a letter to William Green, president of the American Federation of Labor, Mr. Murphy said the Justice Department was following court decisions in this matter.

Samuel R. Rosenbaum, WFIL, IRNA chairman, conferred with members of Mr. Arnold's staff last week about the current A. F. of M. situation. After the conference, Mr. Rosenbaum issued the following statement:

"By reason of the many inquiries received from affiliates regarding the effect of the Arnold letter on the current AFM-IRNA situation, a conference took place on Wednesday, November 29, between Samuel R. Rosenbaum, Chairman of IRNA, and members of Thurman Arnold's staff in the Department of Justice. No effort was made to bring the Department into the situation, but merely to learn what its attitude might be in the event the industry and AFM do not arrive at a satisfactory understanding. As expected, the Department declined at this time to express any views in advance of a specific case being brought before it."

The A. F. of L. is howling to high heaven that Mr. Arnold's policy is not only illegal but also a slap at labor from an administration that was supposed to be labor's friend. It is understood that William Green's talk with President Roosevelt on Wednesday dealt with this matter, although publicly Mr. Green said he had talked about "labor peace." The C. I. O. has kept quiet, but its leaders are as worried as are the A. F. of L. bigwigs.

Labor won an outstanding victory in the federal courts last week. A circuit court of appeals reversed a district court decision that the American Federation of Hosiery Workers (C. I. O.) had violated the anti-trust laws by a sit-down strike at the Apex hosiery mills in Philadelphia. The district court had awarded the company $711,000 triple damages. But the circuit court held that the primary intention of the union, in the strike, had been to organize the workers. Restraint of trade was incidental and indirect. At any rate, it was not "unreasonable." Therefore, the place to sue for damages was a state court. This decision will be appealed to the Supreme Court.

Current labor negotiations:

WCAU and WDAS, Philadelphia, with the American Communications Association (C. I. O.). Contract renewal for technicians.

WCBM, Baltimore, with the American Communications Association. New contract for technicians.

Seattle stations, with the International Brotherhood of Electrical Workers (A. F. of L.). New contract for technicians.

WLLH, Lowell, Mass., with the I. B. E. W. New contract for technicians.

The Labor Department reports that the cost of living for wage earners and low salaried workers *increased* 1.2 per cent during the three months ended September 15. Detroit and Minneapolis were the only cities to report a *decrease*.

Between September 19 and October 17, retail food prices *dropped* 1.3 per cent.

A federal district judge in Chicago upheld the constitutionality of the Wage and Hour act last week, overruling motions to quash an indictment naming the Chicago Macaroni Company and three of its officers.

Colonel Philip Fleming, Wage and Hour Administration chief, advised the NAB this week that advertising on the air, in itself, did not subject the employees of the advertiser to the Wage and Hour act. The question was raised by a prospective advertiser.

"The Voice of Labor," controversial C. I. O. program in Akron, Ohio, is back on the air at Station WADC, a non-member. The program formerly was on Station WJW, a member.

FREQUENCY MONITORS

Federal Communications Commission is sending notice regarding the requirement of frequency monitors to all licensees of relay, international, high frequency, noncommercial educational, facsimile, television and developmental broadcast stations. The announcement is as follows:

> The attention of all licensees of relay, international, high frequency, noncommercial educational, facsimile, television and developmental broadcast stations is specifically called to the provisions of Section 4.2 (formerly Section 40.02) of the Rules Governing Broadcast Services Other Than Standard Broadcast. This section requires that each station, except relay broadcast, shall have installed at the transmitter and operate continuously a frequency monitor having an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance. This section became effective September 15, 1939, and any station not now having the required monitor shall not operate until such monitor is obtained and placed in operation.
>
> A frequency monitor is defined as a device which will indicate automatically whether or not the operating frequency is within the allowed tolerance, as contrasted with "frequency meters" which require a certain amount of manipulation by a skilled person. A frequency monitor is required and a frequency meter is not acceptable.
>
> Frequency monitors designed for amplitude modulation may be used in conjunction with stations employing frequency modulation, it being understood that these monitors will only give an indication of the center frequency on no modulation.
>
> The frequency monitors used in compliance with this rule by all broadcast stations other than standard broadcast are ordinarily calibrated at the laboratory of the manufacturer. However, the maintenance of the constancy of calibration is the responsibility of the licensee. The licensees of all stations shall be prepared to demonstrate to a representative of the Commission that the frequency monitor has the required accuracy.
>
> Licensees operating two or more stations at the same location coming within the purview of Section 4.1 (formerly 40.01) may operate one frequency monitor if arrangements are made to switch the monitor from one transmitter to another by a simple operation and no adjustments are required on each frequency.
>
> Relay broadcast stations shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The frequency measuring equipment used in compliance with this rule may be located at the relay station, at a central location or the receiving location. If the monitor is located at a distance from the station, provision shall be made to check the frequency in accordance with Section 4.2 (d). The equipment used to determine that the frequency at a station is within the allowed tolerance may be either a frequency monitor or a frequency meter (heterodyne frequency meter or equivalent). If commercial types of frequency monitors are used it may be necessary to use a radio frequency amplifier in order to provide sufficient signal to operate the device. Frequency meters, if used, shall be capable of required accuracy and shall be capable of being maintained in calibration by comparison with the signals of WWV or standard broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following arguments are scheduled before the Commission for Thursday, December 14. They are subject to change.

Thursday, December 14

Oral Argument Before the Commission

Report No. B-80:

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 kc.**, 1 KW, unlimited time. Present assignment: **1370 kc.**, 100 watts, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.**, 1 KW, unlimited time. Present assignment: **1380 kc.**, 500 watts, unlimited time.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

January 15

NEW—Joe W. Engel, Chattanooga, Tenn.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Hearing Before Commissioner Case

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **830 kc.**, 5 KW, unlimited time (DA night). Present assignment: **830 kc.**, 1 KW, daytime (KOA).

January 16

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted modification of license to increase night power from 500 watts to 1 KW.

KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—Granted voluntary assignment of license from Hilliard Company, Inc. (a corporation), to a partnership consisting of L. L. Hilliard, Ruth K. Hilliard, and R. M. Stewart, doing business as Hilliard Company.

WSMB—WSMB, Inc., New Orleans, La.—Granted modification of construction permit to make changes in directional antenna system, increase night power from 1 KW to 5 KW, and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted construction permit to make changes in equipment; increase power and time of operation from 100 watts, daytime, to 250 watts, unlimited; and move studio from 214 Poplar Street to North Main Street at city limits, Poplar Bluff, Mo.

WJPR—John R. Pepper, Greenville, Miss.—Granted modification of license to increase night power from 100 to 250 watts.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted modification of license for facsimile broadcast station W2XR to authorize use of aural transmitter of television broadcast station W2XDR and to reduce operating power to 500 watts. The license is granted upon an experimental basis only, conditionally.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna system for nighttime operation only.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted amended application for construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation.

KFWB—Warner Bros. Broadcasting Corp., Los Angeles, Calif.—Granted modification of license to increase night power from 1 KW to 5 KW.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted construction permit to move studio and transmitter site locally; install vertical radiator; make changes in equipment; and increase power and time of operation from 100 watts, daytime only, to 250 watts, unlimited time.

KDNT—Harwell V. Shepard, Denton, Tex.—Granted modification of license to change power and time of operation from 100 watts, daytime only, to 100 watts, unlimited time.

KVAK—Carl Latenser, Atchison, Kans.—Granted modification of license to change power and time of operation from 100 watts, daytime only, to 100 watts, unlimited time.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted modification of license to increase night power from 100 watts to 250 watts.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

KOVO—Clifton A. Tolboe, d/b as Citizens Voice and Air Show, Provo, Utah.—Granted modification of license to increase night power from 100 watts to 250 watts.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted construction permit to install directional antenna system for night use, and increase power from 1 KW to 5 KW.

WDAE—Tampa Times Company, Tampa, Fla.—Granted construction permit to make changes in equipment, install directional antenna system, and increase night power from 1 KW to 5 KW, employing directional antenna system both day and night.

KWSC—State College of Washington, Pullman, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted amended application for construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna system for night operation.

WDWS—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted modification of license to increase night power from 100 watts to 250 watts.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KYSM, Mankato, Minn.; WABY, Albany, N. Y.; WAGM, Presque Isle, Maine; WATL, Atlanta, Ga.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WDAN, Danville, Ill.; WDAS, Philadelphia; WDAS auxiliary; WDWS, Champaign, Ill.; WEED, near Rocky Mount, N. C.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; KBPS, Portland, Ore.; KBST, Big Spring, Tex.; KDB, Santa Barbara, Calif.: KGFF, Shawnee, Okla.; KICA, Clovis, N. Mex.; KLBM, La Grande, Ore.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPLC, Lake Charles, La.; KRMC, Jamestown, N. Dak.; KSAM, Huntsville, Tex.; KTOK, Oklahoma City, Okla.; KTRI, Sioux City, Iowa; KVOE, Santa Ana, Calif.; WGL, Fort Wayne, Ind.; WHFC, Cicero, Ill.; WIBM, Jackson, Mich.; WMBR, Jacksonville, Fla.; KABC, San Antonio, Tex.; KEUB, Price, Utah; KGKL, San Angelo, Tex.; KPQ, Wenatchee, Wash.

MISCELLANEOUS

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent from 9 to 11 a. m. and from 7 to 9 p. m., EST, on December 25, in order that WBRB's employees may observe the holiday.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate with increased power of 250 watts from 7:30 to 9:30 p. m., CST, on December 1, in order to adequately service Mansfield and surrounding territory in connection with the broadcast of the dedication of the Mansfield gymnasium.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted special temporary authority to remain silent from 11:30 a. m. to 2 p. m., EST, on December 25, in order that WCAP's employees may observe the holiday.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on **1060 kc.**, on the night of December 24, to 2 a. m., EST, December 25, in order to broadcast a special midnight mass from St. Ignatius Church in Baltimore.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate from 7:45 to 9 p. m., CST, on December 13, 14, 15 and 22, in order to broadcast football games only.

WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Granted special temporary authority to broadcast electrical transcriptions and live talent to fill intermissions between election return broadcasts on December 12, as authorized by grant of November 15.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on December 3, 10, 17, 24 and 31, in order to broadcast games of the Semi-pro series only; to operate from 10 p. m., December 24 to 1 a. m., December 25, and from 9 a. m. to 11 a. m., and from 2 to 6 p. m., on December 25 and 31, and from 10 p. m. to 1 a. m., on December 26 in order to broadcast festivities pertaining to Christmas.

W2XQR—John V. L. Hogan, New York City.—Granted special temporary authority to conduct tests transmitting facsimile signals in connection with investigation of the characteristics of frequency modulated signals for the period ending no later than December 20, 1939.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station from 9:30 p. m. to 12 midnight, EST, on December 8, in order to conduct demonstration for the R. M. A. Committee on Television (provided W2XBS remains silent).

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted special temporary authority to operate new transmitter in accordance with modification of construction permit during daytime, using 1 KW directional, for the period ending no later than December 12, in order to complete proof of performance measurements.

WKAQ—Radio Corporation of Puerto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over station WKAQ, on a non-commercial experimental basis only, for the period beginning November 30, and ending in no event later than December 29, 1939.

W3XAD—RCA Manufacturing Co., Inc., New York City.—Granted special temporary authority to operate transmitter of television broadcast experimental station W3XAD on television bands 18 and 19, frequencies **282** and **294 mc.,** for the period ending no later than December 1, 1939.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period November 30 until said time is specifically authorized to be used by the Saginaw Broadcasting Co., but ending no later than December 29, 1939, in order to broadcast educational programs.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted motion to accept amendment to application to change request for increase in power from 1 KW to 5 KW night, using directional antenna.

Watertown Broadcasting Corp., Watertown, N. Y.—Granted petition for leave to amend application to change frequency from **1420 kc.** to **1210 kc.**

WEJA—National Broadcasting Co., Inc., New York City.—Granted modification of relay station license to increase power to 100 watts.

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of relay station license to increase power to 100 watts.

WEJH—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of relay station license to increase power to 100 watts.

WAXD—The Birmingham News Company, Portable-Mobile (area of Birmingham, Ala.).—Granted license for reinstatement of low frequency relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.,** 20 watts.

KEIM—KTAR Broadcasting Co., Portable-Mobile (area of KTAR, Phoenix, Ariz.).—Granted license to cover construction permit to make changes in equipment and increase power to 25 watts in relay broadcast station.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna input.

WJBC—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, Bloomington, Ill.—Granted authority to determine operating power by direct measurement of antenna input.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Granted authority to determine operating power by direct measurement of antenna input.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted authority to determine operating power by direct measurement of antenna input.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted authority to determine operating power by direct measurement of antenna input.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.

WFTC—Jonas Weiland, Kinston, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted authority to determine operating power by direct measurement of antenna input.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

KEHI—WDAY, Inc., Fargo, N. Dak.—Granted construction permit to change location of high frequency relay broadcast station from portable-mobile to fixed at 118 Broadway, Fargo, N. Dak.

WKBB—Sanders Bros. Radio Station, Dubuque, Ia.—Granted license to cover construction permit to increase night power to 250 watts, move transmitter and studio sites and install vertical radiator.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted modification of construction permit to install new equipment.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Granted authority to determine operating power by direct measurement of antenna input.

WBAP—Carter Publications, Inc., Fort Worth, Texas.—Granted authority to determine operating power by direct measurement of antenna input.

WPRO—Cherry & Webb Broadcasting, Co., Providence, R. I.—Granted construction permit to move auxiliary transmitter to Wampanoag Trail, E. Providence, employing directional antenna system for night operation and increase power of auxiliary transmitter to 1 KW.

W3XAD—RCA Mfg. Co., Inc., New York City.—Granted special temporary authority to operate television broadcast experimental station W3XAD on **336-342 mc.** and **342-348 mc.** channels, for the period December 1 to December 30, 1939.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted license to cover construction permit authorizing installation of auxiliary transmitter at present main transmitter site, using 1 KW power for auxiliary purposes only.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted modification of construction permit approving transmitter site at Castle Hayne Road, New Hanover County, and installation of vertical radiator.

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Granted license to cover construction permit authorizing installation of new equipment.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted license to cover construction permit authorizing installation of directional antenna for nighttime operation.

WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted license to cover construction permit authorizing changes in equipment, increase in height of vertical radiator, change of frequency from **1200 kc.** to **1310 kc.,** and increase day power from 100 watts to 250 watts, and change time of operation from sharing WJBC to unlimited time.

KSAL—KSAL, Inc., Salina, Kans.—Granted modification of construction permit to make changes in directional antenna system, install new equipment, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted modification of license authorizing move of studio location to 4th floor, Kentucky Home Life Bldg., 5th and Jefferson Street, Louisville, Ky.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted authority to determine operating power by direct measurement of antenna input.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted authority to determine operating power by direct measurement of antenna input.

WGTM—WGTM, Inc., Wilson, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

WWRL—Long Island Broadcasting Corp., New York City.—Extended effective date of Provision (3) of the Commission's Order of December 5, 1938, in re WWRL and four other Brooklyn cases, for a period of 30 days from December 1, 1939.

Worcester County Broadcasting Corporation, Worcester, Mass.—Denied petition requesting that the Commission reconsider its action of October 21, 1939, which had the effect of denying to the petitioner intervention in re the application of C. T. Sherer Company, Inc., for a new station in Worcester, Mass., which had previously been permitted under orders of Commissioners Walker and Payne.

W8XK—Westinghouse Electric and Mfg. Co., Saxonburg, Pa.—Dismissed the protest of Westinghouse Electric and Manufacturing Company against the action of the Commission of May 11, 1938, in granting, without a hearing, the application of The Crosley Radio Corp. (W8XAL) for authority to use frequency **11870 kc.** on a time-sharing basis, under Rule 983, with international broadcast station W8XK.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST on December 9, 16, 23, 30 and January 6, 1940, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., on December 10, 17, 24, 31, 1939 and January 7, 1940, in order to broadcast religious services, newscasts and musical programs; to use all time not used by station WSVS between December 22 and January 1, in order to broadcast musical programs and newscasts.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7 p. m. to midnight, EST, on December 11, in order to broadcast the Hearst Diamond Belt Boxing Finals only.

WJMC—Walter M. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:45 to 9:45 p. m., CST, on December 21 (instead of December 22, as authorized by grant of November 25), in order to broadcast high school basketball games only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, on December 7, 11, 13, 20, 21, 23, 27 and 28, in order to broadcast Purdue University basketball games only.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 7 to 9 p. m., EST, on December 8, 14, 29, 1939, and January 1, 1940, in order to broadcast basketball games only.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS with power of 1 KW, from 7:25 to 9:25 p. m., CST, on December 6, 15, 18, 27, and from 8:45 to 10:45 p. m., CST, on December 29, in order to broadcast University of Illinois basketball games only.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable 100-watt transmitter on the frequency of **1190 kc.**, in the vicinity of Portland, for a period not to exceed 30 days, for the purpose of making tests for a suitable transmitter location.

WBCW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted extension of special temporary authority to operate on the frequency **1200 kc.**, at present transmitter site, on December 12, in order to complete construction at approved site in accordance with permit.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WNBI and WRCA over station WNBI for the period December 6, 1939, to January 4, 1940.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted special temporary authority to operate with power increased to 2500 watts from midnight EST to the conclusion of Station WHBI's 15th Annual Christmas Campaign only, on December 10, 1939.

WMRC—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7 p. m. to 10:30 p. m., CST, on December 9, 20, 29 and 30, in order to broadcast high school basketball games only.

APPLICATIONS FILED AT FCC

550 Kilocycles

KSD—The Pulitzer Publishing Company, St. Louis, Mo.—Construction permit for changes in directional antenna (day and night use), and change frequency from **550 kc.** to **630 kc.**, time from shares KFUO to unlimited; move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to St. Clair and Warren Aves., Nameoki, Ill., contingent on KFRU and WGBF. Requesting the facilities of KXOK. Amended to make changes in antenna, increase night power from 1 KW to 5 KW, and give transmitter site as Chouteau Twp., 4 miles west of Mitchell, Ill.

570 Kilocycles

WWNC—Asheville Citizens-Times Co., Inc., Asheville, N. C.—Construction permit to install new transmitter, directional antenna for night use; increase power from 1 to 5 KW; and move transmitter from 20 Battery Park Place, Asheville, N. C., to Emma and Maple Crest Road, near Emma, N. C.

580 Kilocycles

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Construction permit to make changes in auxiliary transmitter.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authority to operate from local sunset at KPO to 11 p. m., EST, using directional antenna, for period 2-1-40 to 2-1-41.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to 6 a. m., EST, using 50 KW power, for period 2-1-40 to 2-1-41.

770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special experimental authority to operate synchronously with KFAB from local sunset (KFAB's LS at Lincoln, Nebr.) to midnight, CST, period 2-1-40 to 2-1-41.

810 Kilocycles

NEW—The Fort Industry Co., Toledo, Ohio.—Construction permit to erect a new broadcast station on **810 kc.**, 1 KW power, daytime operation.

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of construction permit (B2-P-1767) as modified for increase in power, new equipment, new antenna, and move of transmitter, further requesting authority to install new transmitter. Amended to request extension of completion date to 1-31-40.

980 Kilocycles

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License for auxiliary transmitter.

1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Extension of special experimental authority for transmission of facsimile signals from midnight to 6 a. m., CST, using 50 KW power, for period from 2-1-40 to 2-1-41.

1010 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Construction permit to install new transmitter, directional antenna for night use; change frequency from **1040 kc.** to **1060 kc.**; increase power from 10 to 50 KW, hours of operation from shares KRLD to unlimited time; and move transmitter from Hot Springs National Park, Ark., to Highway 67, Reyburn, Ark.

1060 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authority to operate on **1060 kc.**, simultaneously with WBAL, from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited then to midnight, period beginning 2-1-40.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authority to operate simultaneously with KTHS on **1060 kc.** from 6 a. m. to local sunset at Hot Springs, and operate from local sunset at Hot Springs to 9 p. m., EST, on **1060 kc.** and operate synchronously with WJZ on **760 kc.**, with power of 2½ KW, using directional antenna, from 9 p. m., EST, period 2-1-40 to 2-1-41.

1080 Kilocycles

WCBD—WCBD, Inc., Chicago, Ill.—Modification of license to change frequency from **1080 kc.** to **830 kc.**, and hours of operation from unlimited, share WMBI, to daytime only, using 5 KW.

1160 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 10 to 50 KW, and change hours of operation from simultaneous day and shares night with WWVA to unlimited time.

1200 Kilocycles

KADA—C. C. Morris, Ada, Okla.—Modification of license to move main studio from 115½ South Rennie St., Ada, Okla., to Highway No. 48, 1 mile north of Ada, Okla.

NEW—Hazlewood, Inc., Orlando, Fla.—Construction permit for a new broadcast station to be operated on **1390 kc.**, 500 watts, 1 KW day power, unlimited time. Amended to request **1200 kc.**, 250 watts power, make changes in equipment, and antenna and transmitter site to be determined, Orlando, Fla.

WMOB—S. B. Quigley, Mobile, Ala.—License to cover construction permit B3-P-1983 as modified for a new station.

WMOB—S. B. Quigley, Mobile, Ala.—Authority to determine operating power by direct measurement of antenna power.

KADA—C. C. Morris, Ada, Okla.—Construction permit to make changes in equipment, increase power from 100 to 250 watts.

NEW—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts power, unlimited time.

1210 Kilocycles

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad Broadcasting Co., a partnership, Carlsbad, N. Mex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Modification of construction permit B3-P-2444 for a new station, requesting approval of antenna and approval of studio and transmitter site at 51 East First St., Fort Myers, Fla., and increase in night power from 100 to 250 watts. Amended to make changes in antenna.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Modification of construction permit B3-P-2419 for change in frequency, increase in power, new transmitter and antenna, move of transmitter, requesting approval of antenna and approval of transmitter site at Albert Pike, 0.6 mile north of O St., Fort Smith, Ark., and install new transmitter.

KOCA—Oil Capitol Broadcasting Assn., Kilgore, Tex.—Construction permit to move transmitter locally and make changes in antenna.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—License to cover B2-P-2420 for new antenna and move of transmitter.

NEW—Watertown Broadcasting Corporation, Watertown, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts night and 250 watts day power, unlimited time. Amended to change requested frequency from **1420 kc.** to **1210 kc.**, power to 250 watts, make changes in antenna and change type of transmitting equipment, and give transmitter site as Hoard St. and Starbuck Ave., Watertown, N. Y.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit B1-P-1140 as modified for a new station, requesting extension of completion date from 1-1-40 to 5-1-40.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—License to cover construction permit B2-P-2424 for new transmitter, changes in antenna, move of transmitter, and increase in daytime power. Amended re Section 5.

1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Authority to determine operating power by direct measurement of antenna power.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Authority to transfer control of corporation from Sidles Company, to Star Printing Co., 1 share common stock.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—License to cover construction permit B3-P-1764 as modified, for move, new equipment, antenna and increase in daytime power.

1280 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Construction permit to install directional antenna for night use, increase power from 1 KW; 5 KW day to 5 KW day and night, and move transmitter from Brainerd Community, Hamilton County, Tenn., to 2 miles from city limits, S. Westerly direction, Dixie Highway, State 27, Chattanooga, Tenn.

1310 Kilocycles

WCLS—WCLS, Inc., Joliet Twp., Ill.—License to cover construction permit B4-P-2404, for move of transmitter, changes in transmitting equipment, and changes in antenna.

WCLS—WCLS, Inc., Joliet, Ill.—Authority to determine operating power by direct measurement of antenna power.

KRMD—Radio Station KRMD, Inc.—Shreveport, La.—Authority to determine operating power by direct measurement of antenna power.

WDMJ—The Lake Superior Broadcasting Co., Marquette, Mich.—Modification of license to change hours of operation from specified hours to unlimited time.

1370 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—License to cover construction permit B3-P-1954, as modified, for a new broadcast station.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Authority to determine operating power by direct measurement of antenna power.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts power day and night.

KTUC—Tucson Motor Service Co., Tucson, Ariz.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Modification of license to change hours of operation from unlimited day, specified hours night, to unlimited (simultaneous with KGFL from local sunset to 7:30 p. m., MST).

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Authority to determine operating power by direct measurement of antenna power.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—License to cover construction permit (B3-P-2390) as modified for a new station.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—License to cover construction permit B3-P-2567, for equipment changes and increase in power.

NEW—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 250 watts power, unlimited time.

1420 Kilocycles

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Construction permit for equipment changes and increase in power from 100 to 250 watts.

NEW—Richard T. Sampson, Riverside, Calif.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts power, unlimited time.

1430 Kilocycles

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Construction permit for changes in equipment.

1440 Kilocycles

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 5 KW.

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit for a new transmitter, directional antenna for day and night use, and increase in power from 500 watts to 5 KW.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authorization for transmission of facsimile signals from midnight to 6 a. m., PST, using 10 KW power, period 2-1-40 to 2-1-41.

1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Albert Joseph Meyer, Powell, Wyo.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 250 watts power, unlimited time.

NEW—J. Leslie Doss, Bessemer, Ala.—Construction permit to erect a new broadcast station to be operated on **1500 kc.,** 250 watts power, unlimited time.

KNOW—Frontier Broadcasting Co., Inc., Fort Worth, Tex.—License to cover construction permit B3-P-2436 as modified for increase in power, move of transmitter, and installation of new equipment.

KPLT—The North Texas Broadcasting Co., Paris, Tex.—Authority to transfer control of corporation from A. G. Mayse to Mary Jo Mayse, 45 shares common stock.

MISCELLANEOUS

NEW—Central New York Broadcasting Corporation, Syracuse, N. Y.—Construction permit for a new high frequency broadcast station to be operated on **43200 kc.,** 1 KW power, unlimited time, special emission. To be located in or near Syracuse, N. Y.

WENP—WSOC, Inc., Portable-Mobile.—Construction permit to make changes in equipment.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Modification of construction permit B4-PHB-75 as modified for changes in equipment.

WEKQ—Allen T. Simmons, Akron, Ohio.—Modification of license to increase power from 25 watts to 100 watts.

W2XQR—John V. L. Hogan, Long Island, N. Y.—License to cover construction permit, B1-PHB-66, as modified, for a new high frequency broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Continental Baking Company—A complaint has been issued charging Continental Baking Company, New York, which operates plants in 28 States, with price discriminations in violation of the Robinson-Patman Act.

In certain trade areas the respondent company is alleged to sell its bread of like grade and quality and of a definite weight at one price, while at the same time in another trade area served from the same plant, it sells the same type of bread and of the same weight at a lower price. And, the complaint continues, in certain trade areas the respondent sells bread of the same grade and quality and of a definite weight at one price, while, at the same time, in another trade area served from the same plant, it sells bread of the same grade and quality, but greater in weight, for the same price as the bread of less weight.

Illustrating these practices, the complaint alleges that the respondent company, serving its Louisiana and Texas retail customers from its plant in Shreveport, La., charged 10 cents for 24 ounces of bread prior to February, 1939, but that subsequent to that time, while still charging its Shreveport area customers 10 cents for its 24-ounce loaf, from the same plant delivered the 24-ounce loaf to customers in the Marshall, Tex., area for 8 cents a loaf.

From its plant in Kansas City, Mo., the complaint continues in another illustration, the respondent served its Missouri and Kansas retail customers, the prevailing price prior to December, 1938, having been 8 cents for a 20-ounce loaf. It is alleged that subsequent to that time the respondent continued to sell the 20-ounce loaf for 8 cents in the Kansas City area while from the same plant it sold a 24-ounce loaf of the same quality bread for 8 cents to customers in the Leavenworth and Osawatomie, Kans., areas.

This type of discrimination, it is alleged, may result in a substantial lessening of competition and tend to create a monopoly in the Continental Baking Company. (3962)

Fellom Publishing Company—A complaint has been issued against Roy Fellom, trading as Fellom Publishing Company, San Francisco, alleging misleading representations in the sale of advertising space in the "Pacific Road Builder and Engineering Review."

The respondent is alleged to have represented to prospective buyers of advertising space, including manufacturers and others selling equipment materials and commodities, that the "Pacific Road Builder and Engineering Review" is circulated only to equipment buyers and has no circulation to non-buyers; that a survey has been made of the equipment buyers in the eleven Western States in which the magazine is principally circulated; that the magazine goes to 93 per cent of the equipment buyers in those States and that it is circulated to 93 per cent of heavy construction equipment buyers based on the number of such buyers and to 98 per cent thereof based on volume of purchases in the eleven states.

Among other representations alleged to have been made by the respondent were that the magazine had a total average monthly net paid circulation of 5,129 and a total average monthly distribution of 6,289 for the last six months of 1937, and a total average monthly net paid circulation of 4,583 and a total average monthly distribution of 5,625 for the first six months of 1938.

The statistics furnished are alleged to be misleading in that they overstate the volume of circulation and give an erroneous idea of the value of the magazine as an advertising medium based on possible results and also of the correctness of the prices charged for advertising space therein based on the represented extent of such circulation.

The complaint alleges that the criculation of the respondent's magazine is not restricted exclusively to buyers of equipment; that no accurate and dependable survey has been made by or for the respondent as the basis for the figures given in regard to coverage of equipment buyers, and that his statements with respect to circulation among equipment buyers in eleven Western States and other circulation statistics as given are inaccurate and exaggerated. (3960)

M. Seidel & Son—Alleging misrepresentation and the use of lottery methods in the sale of furs and fur garments, a complaint has been issued against Maurice and Charles Seidel, trading as M. Seidel & Son, 243 West 30th St., New York.

The respondents are alleged to have sold women's articles of apparel made from rabbit peltries so dressed and dyed as to resemble fur products made from the peltries of seal, beaver, leopard, ermine, mink, squirrel, sable or karakul sheep. It is alleged that the respondents failed to disclose the true zoological names of such furs and fur products so sold but instead misrepresented them by means of misleading and deceptive designations such as "Black Seal," "Mendoza Beaver," "Leopardine," "Erminette," "Squirrelette," and other names.

The respondents are also charged with disseminating advertisements suggesting that salesmen selling their products can earn $1300 a week or more, and that an investment of $12 would bring $1300. Use of a push card lottery plan to promote the sale of fur products to ultimate consumers, also is alleged. (3961)

CEASE AND DESIST ORDER

The Commission has issued the following cease and desist order:

Diamond Knitting Mills, Inc.—Prohibiting misleading representations in the sale of knitted wearing apparel an order has been issued to cease and desist against Diamond Knitting Mills, Inc., 7th and Green Sts., Philadelphia.

Among representations found to have been made by the respondent corporation were that certain of its products were composed entirely of unweighted silk, that is, silk which had not been subjected to a metallic bath, when in fact these articles were made of weighted silk.

On cloth tags or labels the respondent was found to have printed the following language: "Genuine * * * All Silk," and in a diamond figure the words "Diamond Knit," the diamond having been inserted between the words "Genuine" and "All Silk."

The order directs the respondent to cease using the term "All Silk" or the unqualified word "Silk" to designate fabrics not made wholly from unweighted silk.

The respondent is prohibited from representing that fabrics composed wholly or partly of weighted silk are composed of unweighted silk, through failure to disclose the presence and percentage of weighted silk and the percentage of weighting in such weighted silk. The order provides that the word "Silk" may be used to refer to the silk content of such fabrics when the disclosures mentioned above are clearly and conspicuously made in connection with that word. (3877)

STIPULATIONS

The Commission entered into the following stipulations:

Vincent Christina, Inc., 215 East 22d St., New York, manufacturer of a pharmaceutical product designated "Thiosol," agrees to desist from describing or referring to its product "Thiosol," or any product of similar composition, as being a chemically true solution of colloidal sulphur, or from implying that the product contains colloidal sulphur only, when any other ingredient not true colloidal sulphur is present. (2596)

Merchandising Associates, Inc., 322 East Colfax Ave., South Bend, Ind., manufacturers of "Karmalax," a compound used in the making of bread, has agreed to cease advertising or representing its product, through use of the trade name "Karmalax" or the letters "lax," or in other ways, to be a laxative or as having laxative qualities. The corporation also agrees to cease representing that "Honey-Krushed Bread" relieves constipation or possesses qualities that will relieve or cure constipation. (2594)

Midland Television, Inc., Kansas City, Mo., conducting residence and correspondence courses in radio, television and airline radio operation, entered into a stipulation to discontinue misleading representations.

In its advertising matter, according to the stipulation, the respondent corporation published composite illustrations of the Kansas City Power and Light Building, in which the school occupies several of the upper floors, and the KMBC broadcasting tower, so arranged in some instances as to create the illusion that the buildings are contiguous to each other, when in fact they are some five miles apart; and letterheads featured a similar picture with the conspicuously printed corporate name "Midland Television, Inc."

This illustrated matter was misleading insofar as it tended to convey the impression to prospective pupils that the entire building was occupied by the respondent corporation and that the tower belonged to the school, according to the stipulation.

The respondent corporation agreed to cease making such representations and to discontinue disseminating advertising matter which tends to convey the impression that students are virtually assured of employment upon completing their radio work at the school. The respondent also stipulated that it would desist from the representation that any person connected with the school's "technical staff" is a "member of the Institute of Radio Engineers," when such is not a fact, and from representing that the sole purpose of "Midland Training" is to help students make more money. (2597)

Universal Art Association—Rodney R. Williams, sole trader as Universal Art Association, 102 South Jefferson St., Chicago, in connection with the sale and distribution of tinted photographs, agrees to cease use of the word "Association" or any similar term to imply or cause the belief that a personal business enterprise is a voluntary association of individuals or organized for the prosecution of some purpose. He will cease representing that colored or tinted photographs or photographic enlargements are paintings, oil paintings, or "finely finished paintings"; that a drawing for a "lucky" certificate or other similar devices used in the sale of his products, is for the purpose of introducing a new type of painting or to advertise his business, or that such drawings, coupons, special discount checks or similar devices entitle customers to receive pictures free or at a substantial reduction; that funds collected through the sale of such pictures are to be used for the purchase of brushes and paints for college students, or any other purpose other than the personal aggrandizement of the respondent; and will discontinue use of coercive methods to induce purchase of special frames, through refusal to deliver paid-for pictures or original photographs loaned to him for reproduction. (2595)

FTC DISMISSES COMPLAINT

The Federal Trade Commission has ordered that the complaint against W. W. Kimball Co., 306 South Wabash Ave., Chicago, its sales manager, Ben F. Duvall, and George H. Kranz, one of its employees, and Victor G. Williams, trading as Williams Music Store, 30 East Broad St., Columbus, Ohio, charging misrepresentation in the sale of pianos, be dismissed.

NAB Reports

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 50, December 15, 1939

MERRY CHRISTMAS

More Broadcast Music, Inc., Pledges As Miller Continues Trip

Continuing the drive to free the industry from the strangle hold of the ASCAP monopoly, Neville Miller, president of the NAB, held district meetings in Omaha, Denver, Minneapolis and Tulsa in the past week, following those held in Dayton and South Bend, to acquaint NAB members and non-member stations with the prospectus of Broadcast Music, Inc., and to receive stock subscriptions in the new corporation being set up to develop sources of usable music independent of ASCAP.

In Tulsa, 21 out of 18 stations present subscribed. In Denver the 14th NAB District passed the following resolution:

> "Resolved that the membership of the 14th District adopt and approve the plan for the subscription of stock in Broadcast Music, Inc., as presented by President Neville Miller, and sign up immediately the agreements for the purchase of stock and license contracts submitted to stations."

Of the 23 stations present, 21 approved the resolution and signed the subscription. Ed Craney, KGIR and KPFA, did not vote on the resolution and voiced objections to the plan. He also spoke against the plan in Omaha, where 16 out of 27 present signed. In

(Continued on page 3892)

AN IMPORTANT NOTICE

In order to expedite the subscriptions to Broadcast Music, Inc., the following three important points are called to the attention of all stations in those districts where meetings have been held:

1. Sign one copy of the stock agreement, giving the figure which represents 10% of your 1937 ASCAP payment. This is important as stock is sold in $5.00 per share units.
2. Make checks for the above stock subscription payable to Broadcast Music, Inc., and mail in to NAB Headquarters in Washington, D. C.
3. Sign two copies of the license agreement. Under paragraph two thereof, the figure should be 40% of your 1937 payments to ASCAP. This figure constitutes the license fee, no part of which is due at the present time.

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

MORE BROADCAST MUSIC, INC., PLEDGES AS MILLER CONTINUES TRIP

(Continued from page 3891)

Minneapolis 16 station out of 21 present signed the agreement at the meeting.

In the columns below is printed a list of those stations which have already bought the stock or which have actually committed themselves to do so. Because every mail brings in more signed subscriptions, it is impossible to give a complete list in this week's bulletin. The list published, however, is complete up until noon, Thursday, December 14.

In Omaha, Rev. W. A. Burk, manager of WEW, vigorously attacked the NAB Code. Don Searle, KOIL, Omaha, a member of the Code Compliance Committee, replied. In a show of hands the members present voted their approval of the Code, four to one.

Mr. Miller's trip to the south, southwest, the Pacific Coast and the northwest will be resumed immediately after the Christmas holidays.

Stations which have already signed stock subscriptions or which have actually committed themselves to sign:

KABR—Aberdeen, South Dakota
KADA—Ada, Oklahoma
KANS—Wichita, Kansas
KATE—Albert Lea, Minnesota
KCRC—Enid, Oklahoma
KDAL—Duluth, Minnesota
KDFN—Casper, Wyoming
KDYL—Salt Lake City, Utah
KELO—Sioux Falls, South Dakota
KFAM—St. Cloud, Minnesota
KFBI—Wichita, Kansas
KFEL—Denver, Colorado
KFEQ—St. Joseph, Missouri
KFH—Wichita, Kansas
KFXD—Nampa, Idaho
KFXJ—Grand Junction, Colorado
KFYR—Bismarck, North Dakota
KGCU—Mandan, North Dakota
KGFF—Shawnee, Oklahoma
KGFW—Kearney, Nebraska
KGGF—Coffeyville, Kansas
KGHF—Pueblo, Colorado
KGHL—Billings, Montana
KGKY—Scottsbluff, Nebraska
KGLO—Mason City, Iowa
KGNF—North Platte, Nebraska
KGNO—Dodge City, Kansas
KGVO—Missoula, Montana
KHAS—Hastings, Nebraska
KHBG—Okmulgee, Oklahoma
KIUL—Garden City, Kansas
KIUP—Durango, Colorado
KLO—Ogden, Utah
KLZ—Denver, Colorado
KMA—Shenandoah, Iowa
KMOX—St. Louis, Missouri
KOA—Denver, Colorado
KOBH—Rapid City, South Dakota
KOCY—Oklahoma City, Oklahoma
KOMA—Oklahoma City, Oklahoma
KORN—Fremont, Nebraska
KOVO—Provo, Utah
KROC—Rochester, Minnesota
KSEI—Pocatello, Idaho
KSL—Salt Lake City, Utah
KSO—Des Moines, Iowa
KSOO—Sioux Falls, South Dakota
KTFI—Twin Falls, Idaho
KTOK—Oklahoma City, Oklahoma
KTSW—Emporia, Kansas
KTUL—Tulsa, Oklahoma
KUTA—Salt Lake City, Utah
KVOD—Denver, Colorado
KVOO—Tulsa, Oklahoma
KVOR—Colorado Springs, Colorado
KVRS—Rock Springs, Wyoming
KWYO—Sheridan, Wyoming
KYSM—Mankato, Minnesota
WAAB—Boston, Massachusetts
WAAF—Chicago, Illinois
WABC—New York, New York
WATR—Waterbury, Connecticut
WAVE—Louisville, Kentucky
WBBM—Chicago, Illinois
WBEN—Buffalo, New York
WBNS—Columbus, Ohio
WBNX—New York, New York
WBOW—Terre Haute, Indiana
WBRK—Pittsfield, Massachusetts
WBZ-WBZA—Boston, Massachusetts
WCCO—Minneapolis, Minnesota
WCKY—Cincinnati, Ohio
WCLO—Janesville, Wisconsin
WCMI—Ashland, Kentucky
WCOL—Columbus, Ohio
WDAY—Fargo, North Dakota
WDGY—Minneapolis, Minnesota
WDZ—Tuscola, Illinois
WEAF—New York, New York
WEAN—Providence, Rhode Island
WEBQ—Harrisburg, Illinois
WEEI—Boston, Massachusetts
WENR—Chicago, Illinois
WEOA—Evansville, Indiana
WFAM—South Bend, Indiana
WFBL—Syracuse, New York
WFDF—Flint, Michigan
WGAR—Cleveland, Ohio
WGBF—Evansville, Indiana
WGL—Fort Wayne, Indiana
WGY—Schenectady, New York
WHAS—Louisville, Kentucky
WHB—Kansas City, Missouri
WHBC—Canton, Ohio
WHBF—Rock Island, Illinois
WHBL—Sheboygan, Wisconsin
WHEC—Rochester, New York
WHFC—Cicero, Illinois
WHIO—Dayton, Ohio
WHIZ—Zanesville, Ohio
WHKC—Columbus, Ohio
WHLS—Port Huron, Michigan
WHO—Des Moines, Iowa
WIBC—Indianapolis, Indiana
WIBW—Topeka, Kansas
WICA—Ashtabula, Ohio
WICC—Bridgeport, Connecticut
WIL—St. Louis, Missouri
WING—Dayton, Ohio
WJAG—Norfolk, Nebraska
WJAR—Providence, Rhode Island
WJBK—Detroit, Michigan
WJR—Detroit, Michigan
WJW—Akron, Ohio

WJZ—New York, New York
WKBZ—Muskegon, Michigan
WKRC—Cincinnati, Ohio
WKY—Oklahoma City, Oklahoma
WKZO—Kalamazoo, Michigan
WLAP—Lexington, Kentucky
WLLH—Lowell, Massachusetts
WLOK—Lima, Ohio
WLS—Chicago, Illinois
WMAQ—Chicago, Illinois
WMAS—Springfield, Massachusetts
WMBD—Peoria, Illinois
WMEX—Boston, Massachusetts
WNAC—Boston, Massachusetts
WNAX—Yankton, South Dakota
WOC—Davenport, Iowa
WOWO—Fort Wayne, Indiana
WPAY—Portsmouth, Ohio
WQXR—New York, New York
WRJN—Racine, Wisconsin
WROK—Rockford, Illinois
WSAR—Fall River, Massachusetts
WSBT—South Bend, Indiana
WSPD—Toledo, Ohio
WSYR—Syracuse, New York
WTAG—Worcester, Massachusetts
WTAM—Cleveland, Ohio
WTCN—Minneapolis, Minnesota
WTIC—Hartford, Connecticut
WTMJ—Milwaukee, Wisconsin
WTMV—East St. Louis, Illinois
WTRC—Elkhart, Indiana

SUPREME COURT GRANTS WRIT

Supreme Court of the United States this week granted a writ of certiorari to the Federal Communications Commission in the case of Sanders Brothers Radio Station against the Commission.

The Communications Commission on July 2, 1937, entered an order granting the application of the Telegraph Herald (call letters KDTH) for a new broadcast station at **Dubuque, Iowa,** to operate on **1340 kilocycles,** 500 watts, daytime.

Sanders Brothers, licensee of Station WKBB, **East Dubuque, Illinois,** in appealing the decision to the Court of Appeals of the District of Columbia claimed expected economic injury from the grant to the Telegraph Herald, which contention was sustained by the Court of Appeals. The Communications Commission asked for review of the lower court's decision which has just been granted by the Supreme Court.

COURT DISMISSES APPEALS AGAINST FCC DECISIONS

The Court of Appeals of the District of Columbia on Monday dismissed the appeals of WOKO and Adirondack Broadcasting Co. from the decision of the Federal Communications Commission granting the application of Troy Broadcasting Co. for a permit to construct a broadcast station at Troy, N. Y.

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The reason assigned for appeal was that: "The Commission in erroneously granting the application of the Troy Broadcasting Company, Incorporated, illegally deprives appellant of a large portion of its listening audience, talent, program material and advertising revenue, with resultant deterioration of program service now rendered by appellant's station." The Court held that this was not sufficient to bring appellants within the terms of section 402 (b) (2) of the Communications Act, as persons agrieved, or whose interests are adversely affected by the Commission's decision. In its opinion the Court laid down the rule that no showing of injury, suffered or threatened, would be sufficient unless it also appeared that, as a result of such injury, the public interest, convenience or necessity would suffer.

The Court cited as authority, Yankee Network v. Federal Communications Comm. (decided August 14, 1939, NAB Reports, August 25, 1939), wherein the Court was able to spell out a sufficient statement of reasons for appeal to present the issue. It distinguished Tri-State Broadcasting Co. v. Federal Communications Comm., (decided November 13, 1939, NAB Reports, November 17, 1939) where it did not appear that the expected competition would immediately or ultimately result in such a reduction of income to Tri-State as to require deterioration of its service to the listening public, saying that "it by no means follows that an appealable interest is necessarily shown even though an existing licensee may suffer such a reduction in income as will cause deterioration of its service. The question in each case is one of public interest . . . It is quite possible that the public interest may be better served by the coming of a new broadcasting station into the community, even though the result may be some reduction in income and some deterioration in the service of the appellants' stations."

In Florida Broadcasting Co. v. Federal Communications Comm.; The Metropolis Company, intervener, decided the same day, the Court denied the Commission's motion to dismiss Florida Broadcasting Co's. appeal on the ground that the statement of reasons for appeal was sufficient, denying the Commission's argument that the statement of reasons for appeal must be in the nature of a bill of particulars.

FCC CONCLUSIONS CHANGED IN PHOENIX CASE

The Federal Communications Commission has ordered that the Proposed Finding of Fact and Conclusions issued

December 1 in the application of M. C. Reese for a construction permit for a new broadcast station at Phoenix, Arizona, to operate on 1200 kilocycles, 100 watts night, 250 watts until local sunset, unlimited time, be recalled and set aside and that new Proposed Findings of Fact and Conclusions be issued.

FREE OFFERS

All members are asked to read carefully the Bureau of Radio Advertising bulletin dated December 12, covering the recent "free offer" activities of the American Express Company and Macfadden Publications.

Other free offers reported by member stations during the past two weeks include:

The American Booksellers Association.

The American Bible Society.

COST-PER-INQUIRY

The following agencies have recently sought to place radio advertising with member stations on a percentage basis:

Harry M. Miller, Inc.

Weill & Wilkins (on behalf of Air Conditioning Training Corporation).

The Bureau of Radio Advertising has advised the above firms that NAB stations consider acceptance of their propositions bad business practice, and has invited their use of radio on a regular basis. The advertisers, the Bureau stated, will then find that stations are willing to cooperate 100% and that the improved results will more than justify the expenditure.

812 STATIONS

The Federal Communications Commission issued operating licenses to five stations during the month of November, 1939. One operating station was deleted and four construction permits were issued for the construction of new stations. A comparative table by months, giving the number of operating stations and number of construction permits issued, follows:

	Jan. 1	Feb. 1	Mar. 1	April 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1	Nov. 1	Dec. 1
Operating	722	727	729	732	734	735	735	738	739	743	751	755
Construction	42	39	37	37	38	38	43	56	59	57	58	57
	764	766	766	769	772	773	778	794	798	800	809	812

LABOR NOTES

The Labor Relations Board has ordered an election among the technicians of Station WQXR, New York City, to determine whether they wish to be represented by the International Brotherhood of Electrical Workers (A. F. of L.) or the American Communications Association (C. I. O.)

Broadcasters negotiating labor contracts for the first time, as well as veteran negotiators, could read with profit "The Collective Labor Agreement" by Elias Leiberman. (Harper and Brothers, $3.) Although the author is counsel for the International Ladies Garment Workers Union and the book must be read in that light, there are many valuable suggestions, especially in Chapter IV. The "sample clause" section is an invaluable aid.

NAB BUREAU OF ADVERTISING'S THIRD SUCCESS STORY

Vol. 1, No. 3 of "Results from Radio" has been released to NAB members by the Bureau of Radio Advertising. This is the third in the series of success stories and trade studies planned by the Bureau for local sales and promotion use.

The 4-page folder outlines the case history of Burt's, in Cleveland, Ohio, who have employed radio advertising extensively for 9 years to build a unique business consisting of jewelry and optical department, furniture shop, and men's and women's clothing. Mr. L. O. Klivans, President of Burt's, documents the story with the statement that "Radio has built Burt's into the only store of its kind in the world." Extra copies of the first three studies in the "Results from Radio" series are available to members at cost, on request to the Bureau of Radio Advertising. Previous releases covered department stores and laundries.

Radio Christmas Promotion Successful in All Sections

The radio industry's Christmas promotion has caught on in every section of the country with many station managers resorting to additional exploitation measures.

The last of the extra supply of scripts for the three 15-minute NAB Christmas programs were exhausted last Wednesday when WGAR, Cleveland, wired for additional copies.

The Christmas promotion in Syracuse over WSYR is proving highly satisfactory to station and public, according to Arnold Schoen, service director. Everyday for the three weeks preceding Christmas the station is using part of its space in the Syracuse Herald to plug "Give a Radio This Year." The campaign is supported with an ample announcement schedule over the air.

Major Edney Ridge of WBIG, Greensboro, gladdened the hearts of radio dealers throughout the area served by his station by furnishing huge Window displays on which were displayed large photographs of twenty-four artists.

Ellis Atteberry, general manager, KCKN, struck gold in Kansas City, Kans., and Kansas City, Mo. He scheduled all three Christmas scripts and additionally a minimum of four 1-minute daily announcements for the three weeks preceding Christmas.

A letter to every radio distributor and dealer in the two cities asked only that they exert every effort to sell the maximum number of radio sets during December.

Four network shows per week over National Broadcasting Company—Red and Blue stations are carrying the story of Radio Christmas to millions of people. Dr. O. H. Caldwell, editor, Radio Today, who is featured on NBC Red, Friday evenings, at 7:45, began his discussion of radios as Christmas gifts as early as December 1 and plans to continue this discussion right through the December 22 broadcast.

In a number of cities member stations and local chapters of the Radio Servicemen of America are engaged in a joint endeavor to provide radio sets for the unfortunate. Parts and tubes needed to put the used sets into operating condition are contributed by the local jobbers.

In Cleveland according to Carl George, WGAR program director, the sets after being repaired by the servicemen are distributed through the Cleveland Welfare Federation to institutions and shut-ins.

A similar campaign is in progress in Minneapolis. Initial announcements soliciting new sets for listeners began December 1, according to C. T. Hagman, of WTCN.

Additional impetus to the December promotion was given by public utilities which included in their December bills a stuffer suggesting that radio sets be purchased as Christmas gifts.

With all of the varied and diverse promotions that are being carried on to increase radio listening, it is certain that radio is scoring a sharp advance over the preceding year.

With judicious exploitation on portable sets and automobile radios during early 1940 and assuming good programs, it would seem that the summertime radio audience would closely coincide with the winter audience.

"RADIO'S RICHES" ENTHUSIASTICALLY RECEIVED

As the spear-head of the industry's 1940 public relations campaign, the sixteen-page rotogravure booklet "Radio's Riches" has been enthusiastically received by stations throughout the country.

Members who contemplate an early New Year use of the booklet are requested to send in their orders as quickly as possible in order to be included in the first printing run.

The booklet is billed at $11 per thousand, and individual changes of copy for station promotion and advertising may be secured at the following price: Your individual copy imprinted over tint block on back cover with copy equivalent to name and address—base price $11 per thousand—plus $1.50 per order for composition and lockup—plus $1.25 per thousand for running. For your own copy on entire back cover, base price of $11 per thousand—plus $5.50 per order for composition and lockup—plus $1.25 per thousand for running. If halftones are used, supply 85-line screen.

BROWN REPORTS ON GREAT LAKES RADIO NEEDS

Present radio communication facilities of shipping on the Great Lakes and coastal waters do not adequately protect life and property, Commissioner Thad H. Brown reported to the FCC this week in recommending legislation and other regulation to insure better safeguards.

For ships on the Great Lakes, a uniform system of radiotelephony is proposed. This would be established by formal agreement between the United States and Canada, supplemented by legislation of the respective countries, to take effect for the 1942 navigation season.

George Harm

George Harm, owner of Station KARM, died suddenly at his home in Fresno, California, on Monday, December 11. Mr. Harm was well known in the broadcasting industry on the Pacific Coast and his sudden death was a great shock to his many friends.

CLEVELAND TO GET FCC FIELD OFFICE

Establishment of a permanent field office at Cleveland, Ohio, effective January 1, has been ordered by the Federal Communications Commission. It will be located in quarters used for the Commission's Great Lakes and Inland Waters Survey, now completed. This office will be a sub-office of the main district headquarters office at Detroit, and will be manned by one inspector and an assistant to be transferred there.

The Cleveland office is made necessary by the fact that in the past fiscal year inspectors from the Detroit office, besides making regular inspections of broadcast, police, aeronautical, and other radio stations in the Cleveland area, made regular trips to Cleveland to examine 734 applicants for radio operator licenses.

JAMES C. YOUNG

Information is desired concerning the present whereabouts of James C. Young. Mr. Young was formerly connected with WSAL, Salisbury, Maryland. Any one having information, please communicate with Headquarters Office.

MECHANICAL REPRODUCTIONS

Radio Transcription Producers Association of Hollywood, Inc., has filed a petition with the Federal Communications Commission to amend Rule 3.93, dealing with mechanical reproductions. The petition signed by Gerald King, president of the association is as follows:

"Comes now, Radio Transcription Producers Association of Hollywood, Inc., by their attorney, and respectfully petitions the Commission to amend Rule 3.93 by: (1) eliminating the said rule entirely or (2) amend the same as follows:

3.93 (a) Eliminate therefrom the following words, "At the beginning of the program, at each 15 minute interval and"

3.93 (b) Eliminate therefrom the following words, "Beginning and"

3.93 (c) Eliminate therefrom the following word, "Preceding" and substitute in its place, "Following"

In support of this petition, it is respectfully submitted that this section has grown obsolete and is of no value to the listening public and should be entirely eliminated.

The public is only interested in the substance and quality of the program broadcast and whether it comes from a transcription made by live talent or comes by means of mechanical devices such as a transmitter and wire line of live talent, makes no difference to the listening public.

The more recent perfection of mechanical transcriptions tended to make the quality of both types of programs similar and the effect upon the listening public would be almost indistinguishable.

In event the Commission feels that the entire elimination of Rule 3.93 would be inadvisable at this time, then the aforesaid amendment should be adopted, thereby giving the public notice of the type of program which it has just received. There appears to be no good reason at this time to continue to notify the public in the beginning of all transcriptions to the effect that the following program is a transcribed program.

This places a handicap upon the transcription that is unfair and unnecessary and works to the disadvantage of transcription over live talent programs for which there is no sound reason.

The public has the privilege of listening to the program of its choice and whether it be live talent or transcription, the latter should not be penalized by reason of the fact that the broadcasting station has chosen this type of program as being superior to live talent. This amendment, if adopted, would also inform the public as to speeches and other spot announcements of important events which were taken at one time and broadcast at a later date.

It is, therefore, respectfully requested that the Commission give serious consideration to these amendments in their coming report on the monopoly hearing (Order No. 37, Docket No. 5060) and that the said Rule 3.93 be entirely eliminated or amended as proposed hereinbefore."

FCC APPROPRIATIONS

Federal Communications Commission officials appeared before the House of Representatives' Appropriations Committee in Executive Session on Wednesday in connection with appropriations for the coming fiscal year beginning July 1, 1940.

The Commission asked the Bureau of Budget for $3,115,000 for the new fiscal year but was allowed only $2,100,000, which is $300,000 more than the current appropriation. Of the $300,000 additional $150,000 will be for personnel and the other $150,000 for modernizing its monitoring system.

FCC RULES AND REGULATIONS

Parts of Federal Communications Commission Rules and Regulations are now available in printed form at the Superintendent of Documents, Government Printing office, Washington, D. C.

Only certain parts have been printed and when the other parts will be available is not yet known. Part 1, dealing with Rules and Practice and Procedure, and part 61, Tariff—Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Commerce, are available at 10 cents each, and the following parts are available at 5 cents each: part 3, Rules Governing Standard Broadcast Stations; part 10, Rules Governing Emergency Radio Services; part 11, Rules Governing Miscellaneous Radio Services; part 14, Rules Governing Radio Stations in Alaska (Other than Amateur and Broadcast); and part 41, Telegraph and Telephone Franks.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDER

The Federal Communications Commission has announced a final order denying the application of KROC, **Rochester, Minnesota,** to change its operating assignment from **1310 kc.** to **920 kc.,** and increasing its power from 250 watts day, 100 watts night, to 1,000 watts day, 500 watts night, unlimited time, using a directional antenna at night. The Commission found that the granting of the application would not serve public interest.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, December 18. It is subject to change.

Monday, December 18

To Be Heard Before Commissioner Thad H. Brown

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of station license of WSAL.

FUTURE HEARING

During the week the Commission has announced the following tentative date for a broadcast hearing. It is subject to change.

February 12

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—C. P., **1310 kc.,** 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted modification of construction permit to change name of station from Honolulu Broadcasting Co., Ltd., to Hawaiian Broadcasting System, Ltd., and increase in night power from 1 KW to 5 KW.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted construction permit to install new equipment and increase power from 100 watts to 250 watts.

WRPM—Radio Air Service Corporation (Cleveland, Ohio—WHK area), Portable-Mobile.—Granted voluntary assignment of construction permit for relay broadcast station WRPM from the Radio Air Service Corp. to the United Broadcasting Company.

KHBG—Okmulgee Broadcasting Corporation, Okmulgee, Okla.—Granted construction permit to make changes in equipment and increase in power and time of operation from 100 watts, daytime only, to 250 watts, unlimited time.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Granted construction permit to install new equipment and increase power from 100 watts to 250 watts.

WBOS—Westinghouse Electric and Manufacturing Co., Millis, Mass.—Granted modification of license of international broadcast station WBOS for additional frequencies **6140, 15210,** and **21540 kc.,** sharing time on all frequencies with WPIT.

WSB & WEGG—The Atlanta Journal Co., Atlanta, Ga.—Granted authority to transfer control of the Atlanta Journal Company, licensee of broadcast station WSB (operating on **740 kc.,** with 50 KW, unlimited time), and relay broadcast station WEGG, from 29 stockholders who now own all of the common voting stock, to (1) James M. Cox, (2) Springfield Newspapers, Inc., and (3) The Evening News Publishing Co., for a total consideration of $1,826,125. (In addition Mr. Cox also agrees to purchase 100% of the preferred non-voting stock—1,175.6 shares of $100 par value per share now held by 36 stockholders, for a consideration of $117,560.)

KOIN—KOIN, Inc., Portland, Ore.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for night operation.

KTUC—Tucson Motor Service Co., Tuscon, Ariz.—Granted modification of license to increase night power from 100 watts to 250 watts.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of license to increase day power from 500 watts to 1 KW.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted modification of license to increase night power from 1 KW to 5 KW.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KERN, Bakersfield, Cal.; KFIZ, Fond du Lac, Wis.; KIDW, Lamar, Colo.; KIUN, Pecos, Texas; KOKO, La Junta, Colo.; KUJ, Walla Walla, Wash.; KVRS, Rock Springs, Wyo.; KWYO, Sheridan, Wyo.; KPLT, Paris, Tex.; KVGB, Great Bend, Kans.; WACO, Waco, Texas; WDNC, Durham, N. C.; WLEU, Erie, Pa.; WMBS, Uniontown, Pa.; KCMC, Texarkana, Tex.; KFAM, St. Cloud, Minn; KNEL, Brady, Texas; KWEW, Hobbs, N. Mex.; WNLC, New London, Conn.; WOC, Davenport, Ia.; WOMI, Owensboro, Ky.; WOPI, Bristol, Tenn.; WRDW, Augusta, Ga.; WSAU, Wausau, Wis.; and WWSW, Pittsburgh, Pa.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted renewal of license for the period ending October 1, 1940.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Granted renewal of license for the period ending October 1, 1940.

WJHL—WJHL, Inc., Johnson City, Tenn.—Granted renewal of license for the period ending October 1, 1940.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted renewal of license for the period ending August 1, 1940.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Application for construction permit to install new equipment and increase power from 250 watts daytime only to 1 KW, on **780 kc.**

MISCELLANEOUS

WPAD—Paducah Broadcasting Co., Paducah, Ky.—Granted construction permit to install a new transmitter.

WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted modification of construction permit to make changes in equipment.

WKAR—Michigan State College, East Lansing, Mich.—Granted modification of construction permit to extend completion date to January 30, 1940.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover construction permit authorizing move of auxiliary transmitter from present main transmitter site to studio location and installation of new antenna for auxiliary purposes only.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted license to cover construction permit authorizing move of transmitter site locally.

KXOK—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted license to cover construction permit authorizing erection of a new station to operate on **1210 kc.,** 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.

KFDA—Amarillo Broadcasting Corp., Amarillo, Texas.—Granted license to cover construction permit authorizing installation of new equipment and increase in power to 250 watts. Also granted authority to determine operating power by direct measurement of antenna input.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted modification of license to change corporate name from Keystone Broadcasting Company to: WKST, Inc.

KVGB—Helen Townsley, Great Bend, Kans.—Granted authority to determine operating power by direct measurement of antenna input.

Station KFI, and others referred to as "Clear Channel Group"—Dismissed without prejudice the petition and supplemental petition to intervene (in the matter of the application of WHDH to increase power to 5 KW on its present frequency **830 kc.**), the motion to dismiss the application or eliminate Issue No. 3 filed by such Group, and the motion to dismiss application filed by the National Broadcasting Co., Inc. (Station KOA).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Directed that the hearing previously designated for December 11, 1939, will be held in the offices of the Commission, Washington, D. C., on January 15, 1940, at 10 a. m., in re application for construction permit to increase power from 1 KW to 5 KW and operate unlimited time instead of daytime (KOA), on frequency **830 kc.**

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

KFAM—The Times Publishing Co., St. Cloud, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

KEIL—KMTR Radio Corp., Hollywood, Calif.—Granted construction permit for relay broadcast station to be used with applicant's standard broadcast station KMTR, frequencies **30820, 33740, 35820** and **37980 kc.,** 25 watts; 50 watts on **33740 kc.** for the transmission of orders only.

WENX—Brown Radio Service and Laboratory, Rochester, N. Y.—Granted reinstatement of construction permit for high frequency relay broadcast station, using new equipment and increase in power to 50 watts; to be used with applicant's standard broadcast station WSAY.

WEHX—United Broadcasting Co., Cleveland, Ohio.—Granted modification of relay broadcast station license to increase power to 100 watts.

Ralph M. Lambeth, Greensboro, N. C.—Granted petition to accept amendment to application for construction permit to change frequency to **1380 kc.** and power to 500 watts, day only.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., to change frequency and power, install new transmitter and use directional antenna at night.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted petition to intervene in the hearing on the application of Chilton Radio Corporation for a new station in Dallas, Texas.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted petition to intervene in the hearing on the application of V. O. Stamps, for a new station in Dallas, Texas.

V. O. Stamps, Dallas, Texas.—Granted motion for order to take depositions in re application for new station.

K. E. Schonert & Oscar L. Turner, d/b as Olney Broadcasting Co., Olney, Ill.—Granted motion to withdraw and dismiss without prejudice the application for a new station.

KORN—Nebraska Broadcasting Corp. Fremont, Nebr.—Granted modification of construction permit for approval of transmitter site at East Sixteenth St., Fremont, Nebr., and studio site at 6th and Broad Streets, Fremont, Nebr.; installation of vertical radiator and new equipment.

Monocacy Broadcasting Co., Portable-Mobile (area of WFMD, Frederick, Md.).—Granted construction permit for new low frequency relay broadcast station, to relay programs where wire facilities are not available, to operate on **1622, 2058, 2150, 2790 kc.**, power 40 watts.

KWHB—WHB Broadcasting Co., Portable-Mobile (area of WHB, Kansas City, Mo.).—Granted license to cover construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts.

KEJJ—National Broadcasting Co., Inc., Portable-Mobile (area of KOA, Denver, Colo.).—Granted license to cover construction permit for high frequency relay broadcast station KEJJ, for changes in equipment and addition of A1 and A2 type of emission.

KEJK—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted license to cover construction permit for high frequency relay broadcast station KEJK for changes in equipment.

KEJL—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.).—Granted license to cover construction permit for high frequency relay broadcast station KEJL for changes in equipment.

WEJN—National Broadcasting Co., Inc., Portable-Mobile (area of WJZ and WEAF, N. Y.).—Granted license to cover construction permit for high frequency relay broadcast station WEJN for changes in equipment and addition of A1 and A2 emission.

WEJQ—National Broadcasting Co., Inc., Portable-Mobile (area of WTAM, Cleveland, Ohio).—Granted license to cover construction permit for high frequency relay broadcast station WEJQ for changes in equipment.

WEJW—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted license to cover construction permit for high frequency relay broadcast station WEJW for changes in equipment.

WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 7:30 p. m. to 10:30 p. m., CST, on December 12, 1939, in order to broadcast the Houston Symphony Orchestra concert.

WLOK—The Fort Industry Company, Lima, Ohio.—Granted special temporary authority to operate from 5:15 p. m. to 10:30 p. m., EST, on December 8, 1939, in order to broadcast speeches in connection with annual football dinner and a basketball game only; to operate from 8:00 p. m. to 10:30 p. m., EST, on December 9, 16, 21, 29, 1939, and January 4, 5, and 6, 1940, in order to broadcast basketball games only.

KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted modification of construction permit for approval of transmitter and studio site, installation of new equipment and vertical radiator, upon express condition that said grant is not to be construed as a finding in the appeal proceedings filed by C. E. Palmer in the United States Court of Appeals for the District of Columbia, Cause No. 7542 from the grant of the application of KWFC (B3-P-2380) nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.

WSYB—Philip Weiss, tr/ as Philip Weiss Music Co., Rutland, Vt.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts, unlimited time.

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Granted license to cover construction permit to move transmitter site locally and install vertical radiator, upon express condition that this grant shall not be construed as a finding by the Commission in the matter of the Order to Show Cause issued to Voice of Brooklyn, Inc. (WLTH), Brooklyn, N. Y., on July 26, 1939, Docket No. 5711, nor upon the application for renewal of license of Station WLTH, nor upon the application of Station WBBC (File No. 1-MLB-1095A), nor upon any of the issues involved therein; nor that the Commission has found that the operation of this station is, or will be, in the public interest beyond the express terms hereof.

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Granted license to cover construction permit and modification thereof, for erection of new station to operate on **1200 kc.**, 250 watts, unlimited time.

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 with certain additional power specifications.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 with certain additional power specifications.

WEOC—South Carolina Broadcasting Co., Inc., Portable-Mobile (area of Charleston, S. C.).—Granted license to cover construction permit, as modified, for new high frequency relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's standard broadcast station WCSC, to operate on frequencies **30820, 33740, 35820, 37980 kc.**, with 10 watts power.

Valley Broadcasting Co., West Point, Ga.—Granted motion for continuance of hearing now scheduled for January 9, 1940, new date to be fixed by office of the Secretary.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted extension of special temporary authority to operate on frequency **1200 kc.** at present transmitter site for the period December 13, 1939, to not later than December 21, 1939, in order to complete construction at approved site.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1939, and New Year's Day, January 1, 1940, in order to observe holidays.

WPRO—Cherry and WEBB Broadcasting Co., Providence, R. I. —Granted extension of special temporary authority to operate new transmitter in accordance with modification of construction permit during daytime, using 1 kw directional, for the period December 13, 1939, to not later than December 22, 1939, in order to complete proof of performance measurements.

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from local sunset (December 4:45 p. m., EST) to the conclusion of the football game between the New York Giants and the Green Bay Packers on December 10, 1939, in order to broadcast football game only.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to conduct field test measurements for new transmitter site with equipment described in letter dated November 25, 1939, on frequency **900 kc.**, between the hours 1:00 a. m. to 6:00 a. m., for a period not to exceed 10 days.

W2XWI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit for high frequency broadcast station W2XWI for approval of transmitter site.

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y. —Granted license to cover construction permit for high frequency broadcast station for assignment of frequency **43200 kc.**, on an experimental basis only, conditionally, power 1000 watts.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penn.—Granted license for auxiliary transmitter to be located at approximately 1.2 miles south of Saxonburg, Saxonburg-Culmerville Road, Bulter County, Pa.; frequency **980 kc.**, 50 KW, auxiliary purposes only.

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Granted license to cover construction permit, as modified; frequency **1500 kc.**, power 250 watts, unlimited.

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Granted construction permit to make changes in transmitting equipment.

KALE—KALE, Incorporated, Portland, Ore.—Granted modification of construction permit for changes in antenna and make changes in transmitting equipment and extend completion date from February 20, 1940 to 90 days after grant.

WKAR—Michigan State College, East Lansing, Mich.—Granted modification of construction permit to install new transmitter and extend completion date to January 31, 1940.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted license to cover construction permit and modification thereof; frequency **1370 kc.**, 100 watts night, 250 watts daytime, unlimited time.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

W2XBT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate Television Broadcast Station (experimental) W2XBT on frequency band **156-162 mc.,** for the period December 11, 1939, to not later than January 9, 1940, pending adjustment of the license to conform with the provisions of Section 4.74.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to perform site survey tests from sunrise to sunset on frequency **1500 kc.,** with a portable crystal controlled transmitter as described in letters dated December 6 and 9, 1939, for the period December 11, 1939, to not later than December 20, 1939, in accordance with construction permit.

KADA—C. C. Morris, Ada, Okla.—Granted modification of license to change location of main studio from 115½ South Rennie St., Ada, Okla., to Highway No. 48, 1 mile north of Ada, Okla.

KNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted supplement to petition for reconsideration and grant of application for new station, which was designated for hearing on June 20, 1939. The application for construction permit to erect a new station in Ponce, P. R., to operate on **1340 kc.,** with 1 KW, unlimited time was granted, subject to condition that permittee shall file application for modification of construction permit specifying transmitter location and antenna system within two months after effective date of order.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Dismissed petition for rehearing in re application of KMPC, Beverly Hills, Cal., for construction permit to change site locally and operate with power of 1 KW night, 5 KW day, on **710 kc.,** which was granted by the Commission, without a hearing, on November 14, 1939.

KFBI—Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit approving transmitter and studio sites and installation of vertical radiator.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Granted modification of construction permit approving studio and transmitter sites, and installation of vertical radiator.

W9XBA—WHB Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit, as modified, for new high frequency broadcast station to operate on **26100 kc.,** 100 watts, to be located at 9th and Grand Ave., Kansas City, Mo.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted license to cover construction permit as modified, for high frequency broadcast station to operate on **43200 kc.,** 1 KW, to be located at 3104 Northern Blvd., Long Island City.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of construction permit as modified, to make changes in equipment of high frequency broadcast station.

WMGA—Frank R. Pidock, Sr., Moultrie, Ga.—Granted license to cover construction permit authorizing a new station to operate on frequency **1370 kc.,** 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 5:45 to 6 p. m., EST, on December 17, 24 and 31, in order to broadcast to its conclusion the Rosary Hour. Station operates on **1140 k.,** 500 watts, limited time.

Hampden-Hampshire Corp., Holyoke, Mass.—Set aside its decision of December 23, 1938, in so far as it denies the application of Hampden-Hampshire Corp., for the use of frequency **1240 kc.,** with power output of 1 KW day, 500 watts night, with directive antenna; dismissed petition for rehearing in re this application, and granted petition only in so far as it requests the Commission to accept amendment of application B1-P-1701 so as to seek the use of the frequency **1370 kc.,** with 250 watts power, unlimited time, non-directive antenna, instead of the frequency **1240 kc.,** with power output of 1 KW day, 500 watts night, with directive antenna.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted modification of construction permit approving transmitter and studio site in Yuma, and installation of vertical radiator.

WCAT—South Dakota State School of Mines, Rapid City, So. Dak.—Granted special temporary authority to remain silent for the period beginning December 21, 1939 and ending no later than January 3, 1940, in order to observe Christmas vacation.

APPLICATIONS FILED AT FCC

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authority for transmission of facsimile signals from 12 midnight to 6 a. m., EST, using 50 KW power, for period 2-1-40 to 2-1-41.

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Modification of construction permit, B5-P-2388, for changes in hours of operation, increase in power, new equipment, antenna, and move of transmitter, further requesting authority to use antenna and transmitter formerly used by station KECA and move transmitter from Moynier Lane, between Adams Blvd. and Higuerra St., Culver City, Calif., to 1418 East 81st St., Los Angeles, Calif., KECA's former site.

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to 6 a. m., CST, using 50 KW power, for period 2-1-40 to 2-1-41.

740 Kilocycles

WSB & WEGG—Atlanta Journal Co., Atlanta, Ga.—Authority to transfer control of corporation from James R. Gray, Inman Gray, Mrs. James R. Gray, Cordelia Gray Brumby, Franes Gray Yankey, Mary Inman Pearce Smylie, Jennie Gray Pearce, John A. Brice, J. L. Williford, John Morton Smith, to James M. Cox, Springfield Newspapers, Inc., and The Evening News Publishing Co.

770 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Authority to transfer control of corporation from Sidles Company to Star Printing Company, 1 share common stock.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, period 2-1-40 to 2-1-41.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authority for unlimited time for period 2-1-40 to 2-1-41.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special experimental authority to operate on **1100 kc.,** 50 KW power, directional antenna for night use, unlimited time, for period 2-1-40 to 2-1-41.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit to install new transmitter and increase power from 1 to 5 KW, using directional antenna at night.

930 Kilocycles

NEW—The Valley Broadcasting Co., Steubenville, Ohio.—Construction permit for a new broadcasting station on **930 kc.,** 1 KW power, daytime. Amended: Re corporate structure.

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to increase power from 250 watts, 500 watts day, to 250 watts, 1 KW day. Amended to request power of 500 watts, 1 KW day, and make changes in directional antenna (no construction necessary).

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate simultaneous with WTIC unlimited time for period from 2-1-40 to 2-1-41.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authority to operate simultaneous with KRLD, unlimited time on **1040 kc.**, directional antenna at night, for period 2-1-40 to 2-1-41.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts, 1 KW day, to 500 watts, 1 KW day.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Extension of special experimental authority to operate unlimited time, using directional antenna after sunset at Tulsa, Okla., for period 2-1-40 to 2-1-41.

1200 Kilocycles

WJHL—WJHL, Inc., Johnson City, Tenn.—Construction permit to make changes in transmitting equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from **1200 kc.** to **880 kc.**, and move transmitter 500 feet east of present location, from Kingsport Highway (3 miles north) to Kingsport Highway 11 E, 3 miles from Johnson City, Tenn.

WMOB—S. B. Quigley, Mobile, Ala.—License to cover construction permit (B3-P-1983) as modified for a new station. Amended: Hours of operation.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Authority to transfer control of corporation from Sidles Company to Star Printing Company, 1 share common stock.

NEW—Van Curler Broadcasting Corporation, Schenectady, N. Y. —Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts power, unlimited time.

1240 Kilocycles

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Construction permit to install new transmitter, make changes in antenna, increase power from 250 watts to 500 watts night, 1 KW day.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Authority to determine operating power by direct measurement of antenna power.

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Construction permit to install new transmitter, increase power from 1 to 5 KW. Amended to install directional antenna for day and night use.

1310 Kilocycles

KARM—George Harm, Fresno, Calif.—License to cover construction permit (File No. B5-P-2542) for changes in equipment and increase in power.

NEW—Oscar Kronenberg, Steubenville, Ohio.—Construction permit to erect new broadcast station on **1310 kc.**, 250 watts power, unlimited time.

NEW—John B. Bedingfield and Parker Bedingfield, d/b as Dublin Radio Broadcasting Co., Dublin, Ga.—Construction permit for a new station to be operated on **1310 kc.**, 250 watts power, unlimited time.

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—License to cover construction permit B3-P-2398 to replace tower demolished by hurricane, and make changes in antenna.

1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-1912) for increase in power, equipment changes, and change in directional antenna, requesting further authority to install new transmitter.

1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical antenna; increase power from 500 watts to 500 watts night, 1 KW day; change hours of operation from share with WSBT to unlimited time; and move transmitter from 128 North Pulaski Rd., Chicago, Ill., to site to be determined. Contingent on WSBT going to **930 kc.**

WFBL—Onondaga Radio Broadcasting Corporation, Syracuse, N. Y.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night.

1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—License to cover construction permit (B2-P-2121) as modified for a new station.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Authority to determine operating power by direct measurement of antenna power.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—License to cover construction permit (B3-P-2330) as modified for a new station. Amended: Section 5.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—License to cover construction permit (B3-P-2562) for equipment changes and increase in power.

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of construction permit, B4-P-2042, as modified, for a new station, requesting increase in power from 100, 250 watts day, to 250 watts day and night.

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—Ralph M. Lambeth, Greensboro, N. C.—Construction permit for a new station on **1370 kc.**, 250 watts, unlimited time. Amended to request **1380 kc.** 500 watts power, daytime operation; equipment changes.

1420 Kilocycles

WSPB—WSPB, Inc., Sarasota, Fla.—License to cover construction permit B3-P-2416, as modified, for a new station.

1450 Kilocycles

WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J. —Construction permit to install new transmitter and increase power from 250 watts to 250 watts, 1 KW day. Amended to make changes in antenna and request power of 500 watts, 1 KW day.

1500 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Tex.—Modification of construction permit (B3-P-947) for a new station, requesting authority to change site from 900 Hammett Blvd. to 2,250 feet south of Spruce St., on line of Boone St., extended southward, El Paso, Tex. Amended: Antenna changes, new transmitter, increase power from 100 to 250 watts, move studio from 200 San Francisco St. to Mesa and Mills Sts., El Paso, Tex., and move transmitter .5 mile (same address), extend commencement and completion dates 30 and 180 days respectively.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit to use old RCA 250-watt transmitter as auxiliary transmitter for auxiliary purposes only, at new site, 341 Rising Main St., Pittsburgh, Pa.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

WRTD—Times Dispatch Radio Corporation, Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

KAWM—A. W. Mills, Gallup, N. Mex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts, and change hours of operation from daytime to unlimited time.

KBKR—Louis P. Thornton, Baker, Ore.—License to cover construction permit (B5-P-1841) as modified for a new station.

MISCELLANEOUS

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KABB.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KABD.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies **1646, 2090, 2190, 2830 kc.**, 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KAOG; 8 watts.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies **31620, 35260, 37340, 39620 kc.**, 10 watts, and equipment of station KEGQ.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies **31620, 35260, 37340, 39620 kc.**, 2 watts, and equipment of station KEGO.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—Construction permit for a new television station for portable-mobile operation in area of New York, N. Y., to be operated on **336000-348000 kc.**, 25 watts visual, 5 watts aural, special and A-5 emission, unlimited time. Amended: To request 10 watts aural instead of 5 watts.

WLWH—The Crosley Corp., Portable.—License to cover construction permit B2-PRE-323, to install new transmitter.

WLWI—The Crosley Corp., Portable-Mobile.—License to cover construction permit B2-PRE-324, to increase power to 15 watts. install new transmitter.

WLWC—The Crosley Corp., Mobile.—Modification of license for Order Relay station, using 25 watts for relaying programs and orders concerning such programs and on **33740 kc.**, using 50 watts for transmission orders only. Amended: To request increase in power to 50 watts (programs and orders).

WELV—West Virginia Broadcasting Corp., Mobile, Wheeling, W. Va.—Modification of license to increase power from 25 to 50 watts.

WLWD—The Crosley Corp., Mobile.—Modification of license to increase power from 25 to 50 watts.

NEW—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for a new high frequency broadcast station to be operated on **42600 kc.**, 250 watts power, unlimited time, special emission. Transmitter to be located at Jefferson Standard Life Ins. Bldg., Elm and Market Sts., Greensboro, N. C.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be located at 3615 Olive St., St. Louis, Mo.; **43000 kc.**, 250 watts power, special emission.

WNEI—WFBM, Inc., Indianapolis, Ind.—License to cover construction permit B4-PRY-157, as modified, to make changes in equipment, and reduce power to 0.15 watts.

NEW—The Outlet Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on **43400 kc.**, 1 KW power, special emission. Transmitter to be located at Providence, Rhode Island, exact site to be determined.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license to request classification of station as Class III-A.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Kant-Slip Manufacturing Company—Charges that instead of preserving the life of leather as advertised, "Kant-Slip" dressing causes leather to become dry and brittle, are made in a complaint against Samuel Benensohn and L. Benensohn, trading as Kant-Slip Manufacturing Company, 451 East 63d St., Chicago.

The respondents' product allegedly is described in pamphlets and other printed matter as follows: "Kant-Slip Dressing is a positive preservative! Prolongs the life of leather, canvas and fiber belts making and keeping the belt soft and pliable. Water and oil proof."

The complaint charges that the dressing consists principally of rosin and denatured alcohol, neither of which is a preservative, and which have a solvent action on the oils and greases in leather, tending to remove them and cause the leather to become dry and brittle. (3963)

Lowe Brothers Company—See Sherwin-Williams Company.

John Lucas & Company, Inc.—See Sherwin-Williams Company.

Plat-Num Perl Laboratories—See A. Sartorius & Company, Inc.

A. Sartorius & Company, Inc., trading as Plat-Num Perl Laboratories, 80 Fifth Ave., New York, is charged in a complaint with misrepresentation in the sale and distribution of manicure products.

Compounds distributed by the respondent are "Plat-Num Nail Protector" which is advertised to "encourage growth" and "strengthen nails," and "Plat-Num Olive Oil Compound Nail Polish Remover for dry brittle nails."

A further practice of the respondent in connection with the sale of its products, the complaint continues, is the use of the legend "Manufacturing Chemists," which appears on business stationery and other printed and written matter distributed by the respondent to prospective purchasers. Through use of such legend, the complaint charges, respondent represents that it is the manufacturer of the commodities distributed by it.

The quantity of olive oil contained in the polish remover, the complaint alleges, is so small as to be incapable of relieving or improving, to any appreciable extent, the condition of dry, brittle nails. The complaint also charges that use of the nail protector does not stimulate or encourage the growth of nails, nor does it strengthen them. (3966)

Fong Wan—Fong Poy, also known as Fong Wan, Fong Kwongii, Yee Nun Yet, Chan Woon Sheuno, and Lee Bing Lim, copartners trading as Fong Wan, 576 Tenth St., Oakland, Calif., are charged in a complaint with misrepresentation in advertising matter in newspapers and periodicals, and in a booklet designated "Herb Lore," concerning the remedial benefits of Chinese herbs sold and distributed by them.

The complaint charges that in advertising matter the respondents represented that the herbs sold by them are a remedy, cure and effective treatment for heart trouble, high blood pressure, colds, influenza, asthma, pyorrhea, blood disorders, crosseyes and other eye troubles, cancer, stomach troubles, dysentery, pains, dizziness, hardening of the arteries, goiter, bronchial trouble, coughs, sinus trouble, liver and gall bladder troubles, diabetes and other disorders of the kidneys and bladder, nervous attacks and disorders, arthritis, obesity, headaches, neuritis and piles, and that they stop pain and give permanent relief from asthma and other disorders.

Among advertisements distributed the respondents allege: "In a condition of this sort (gallstones), five or six kinds of herbs must be compounded for the Liver and Gall; auxiliary herbs must be added to cleanse the blood and rid it of the fire element (inflammation); some herbs must be put in to cause the air and the blood to circulate properly; other varieties must be used to take away the swelling; and still other herbs must be added for Nerves of the Shoulder Blade."

The complaint alleges that in truth and in fact the respondents' Chinese herbs are not a remedy or cure for any of the ailments or diseases named; that they do not and cannot wash away any diseases from the human body; that Fong Poy or Fong Wan is not able to diagnose or heal diseases or ailments, nor has he restored the health of any persons by the use of Chinese herbs. (3964)

Sherwin-Williams Co., Cleveland, paint and paint products manufacturer, and two of its subsidiaries, The Lowe Brothers Company, Dayton, and John Lucas & Company, Inc., Philadelphia, have been served with a complaint charging price discriminations in the sale of their products in violation of the Robinson-Patman Act.

With annual net sales of over $17,000,000 the parent company alone distributes its products through 6300 authorized dealers, more than 80 chain lumber yards, approximately 120 wholly owned retail stores and other miscellaneous mediums and controls either directly or through its subsidiaries a number of large paint manufacturing companies operating and distributing in various parts of the country.

Price discriminations are alleged to have resulted from certain practices engaged in by the respondents in connection with the granting of functional discounts and in connection with the granting of per order or volume discounts under their 1938 and 1939 discount plans.

For the purpose of granting and allowing quantity discounts under their respective 1938 plans, the three organizations, particularly Sherwin-Williams and Lowe Brothers, allegedly permitted the main offices of some chain lumber yard buyers to pool the orders of their unit stores and granted to such buyers the quantity discounts applicable to the gallonage represented by the pooled orders. For example, it is alleged, if a pooled order totaled more than 84 gallons, each unit store, through its main office, received a flat 10 per cent off dealers' list prices even though no one unit store may have ordered a sufficient quantity to qualify for any discount.

With respect to other chain lumber yard buyers, the respondent manufacturers, particularly Sherwin-Williams, allegedly granted a flat 10 per cent discount off dealers' list prices, irrespective of the size of the order or whether it represented the pooled requirements of all unit stores of the chain lumber yard or the individual rquirements of only one unit store. In either case, it is alleged, the manufacturer granting the pooling privilege or the discount did not customarily make shipment of the full order to the main office of the lumber yard, but shipped to the various units.

It is alleged that the chain lumber yards receiving the flat 10 per cent discount from dealers' list prices were, in certain cases, in competition with other chain lumber yards purchasing from the respondent manufacturers and not receiving the flat 10 per cent discount. In other cases, independent dealers purchasing from the respondents but not receiving either the pooling privileges or such discount allegedly were in competition with chain store lumber yard units getting such privilege or discount. (3965)

STIPULATIONS

The Commission entered into no stipulations during the past week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Arvil Company—Stafford T. Mitchell, Janet M. Mitchell and Otis S. Mitchell, trading as The Arvil Company, 1700 Wilson Ave., Chicago, have been ordered to cease misrepresentations of the efficacy of their hair preparations designated "Arvil" and "Dawn Shampoo".

In publications and advertising matter, the Commission finds, respondents represented that application of their hair restorer, "Arvil", to the skin, is always safe, that it replaces missing pigment in the hair shaft proper, and that both "Arvil" and "Dawn Shampoo" will give permanent relief from dandruff. Both products were represented as competent remedies for conditions responsible for hair falling out, and as encouraging hair growth, and "Arvil" was represented as having an antiseptic effect on hair and scalp and as causing hair to assume a natural and youthful color.

Findings of the Commission are that the preparation "Arvil" contains lead acetate in an amount which may be injurious when applied to the skin, that use of the preparation over a period of time may result in lead poisoning, and that it does not restore pigment in the hair shaft but acts as a dye to color the surface of the hair.

The respondents are ordered to cease and desist from representations that "Arvil" restores pigment in the hair shaft or causes the hair to assume a natural or youthful color, that it is effective as an antiseptic or astringent when applied to the hair or scalp, and that either "Arvil" or "Dawn Shampoo" is a cure or remedy for baldness or an effective treatment for falling hair or the causes thereof. They also are ordered to discontinue representing (through failure to reveal that the use of "Arvil" on the skin is not wholly safe, particularly if there is any injury, abrasion or inflammatory or eczematous condition thereon) that "Arvil" contains no harmful or dangerous drugs or that the use of it will have no ill effects on the human body. (3472)

Berkeley Studios International Press Service, Inc.—See International Press Service, Inc.

Ford Motor Company—See General Motors Corporation.

General Motors Acceptance Corporation—See General Motors Corporation.

General Motors Corporation—Orders to cease and desist from use of the words "six per cent" or the symbol "6%" in connection with the installment payment plan of purchasing automobiles have been issued against General Motors Corporation, Detroit, and its subsidiaries, including General Motors Acceptance Corporation, and against Ford Motor Company, Dearborn, Mich. (3001 and 3005)

Globe Clock Company—See Sales Stimulators.

International Press Service, Inc., formerly trading as Berkeley Studios International Press Service, Inc., and Fred Friewald, photographers, 36 Newbury St., Boston, have been ordered to cease and desist from representing that they have any connection with International News Service or International News Photos, or that they operate or have any connection with a press photographic service. Fred Friewald is president and treasurer of the organization.

Findings of the Commission are that the corporation has a library of about 12,000 photographs, 97 per cent of which are photographs of residents of Boston. The corporation has no direct connection with any news service or publication. Through "bookers" or salesmen the findings continue, respondents contact by telephone members of the public, soliciting appointments for the taking of their photographs. Usually the persons selected are those who have received publicity by reason of their business, professional or other activities of news interest.

Respondents' employees, in telephone conversations, sometimes state that they are representatives of "International Press Service", "Press Service", or the "International". Persons so solicited are asked to make an appointment for the taking of their photographs which, it is stated, would be without expense to them, the photographs to be filed in respondents' press library for release to newspapers or other news publications desiring photographs. After photographs were taken, the person solicited was told that within two or three days proofs would be submitted for approval. Respondents enclosed a card with the proofs which stated "Enclosed are proofs of the negatives for which you recently posed. Will you kindly approve one for press release and return it to our representative, who will call within the next few days." The respondents' representative, when he called, endeavored to sell prospects quantities of the finished photograph.

Findings are that the respondents have no interest in and take no steps to cause the publication of the photographs taken by them. Whenever a photograph is solicited by a news service such as the International News Service or the Associated Press, the purpose is primarily to cause the photograph to be published. (3618)

National Employees Training Service—W. R. Young, trading as National Employees Training Service, Detroit, has been ordered to cease and desist from representing that correspondence school instruction conducted by him will guarantee students positions in the United States Government or that he has any connection with the Government or the United States Civil Service Commission.

It was found that as a means of contacting prospective purchasers of his course of instruction, the respondent mailed to numerous boxholders on Rural Free Delivery routes in various States, postal cards on which were printed statements that due to death, retirement and normal Government expansion, many thousands of Government positions are open for trained men or women each year; that American citizens of good health and character could qualify for Government positions; and the request was made that the attached reply card be mailed for free samples of actual questions given in recent Civil Service examinations. Attached to the cards were business reply cards which were to be detached and mailed under the provisions of the United States postal laws, and which were addressed to the National Employees Training Service. On the cards was printed "Government positions $105 to $175 per month."

The statement that no postage stamp was necessary, and the address "National Employees Training Service" upon them, the Commission finds, caused many recipients to believe that the respondent was in some way connected with the United States Government.

Concerning the home study course conducted by correspondence, which was sold to applicants, the respondent is found to have made representations to the effect that he and his agents were employed by the United States Government and were representatives of the United States Civil Service Commission; that the business was an old, established one; that students solicited would have to enroll immediately in order to get within the quota of Government positions allotted to the respondent, which quota was practically filled; that jobs with the Government would be secured for students taking the course of instruction, or that money paid for the course would be refunded; that respondent was able to advance information concerning examinations to be conducted by the United States Civil Service Commission, and that students taking the course have preference over other applicants for a position in the classified Civil Service of the United States.

The Commission finds that these representations were false and misleading. With few exceptions, the respondent did not refund the price of tuition after being unable to secure positions for students completing the course.

The respondent is ordered to cease and desist from representing, through use of the word "National," or similar words, that he has any connection with the United States Government; that his business had been in existence for many years; that the enrollment of students is limited by a definite quota, or that only persons with high scholastic attainments are accepted by him as prospective students; that Civil Service positions in the United States Government are guaranteed to students who have completed respondent's course of instruction; that respondent has any advance information with respect to available positions in the Civil Service, which information cannot be secured from the United States Civil Service Commission, or has any additional or confidential information which is not available to the public, or that respondent has any control of positions available in the Civil Service, or that his students are preferred by the United States Civil Service Commission over other students who have not taken respondent's course of instruction. (3331)

Sales Stimulators—Ben Braude, trading as Sales Stimulators and as Globe Clock Company, 337 West Madison St., Chicago, has been ordered to cease and desist from misrepresentations as to possible earnings of agents or salesmen representing him, and from misrepresentation of the value of premiums distributed by him.

The respondent, who is engaged in the sale and distribution of a sales stimulator plan, and of tableware, electric shavers, clocks and other merchandise in connection therewith, represented through advertisements in periodicals and other publications, the Commission finds, that salesmen for his products made up to $32 daily and approximately $350 a month in the ordinary course of their business, and that premiums distributed by him had a higher retail value than they actually possessed.

The Commission orders that the respondent cease and desist from representing any specified sum of money as possible earnings or profits of agents, salesmen or distributors, which is not a true representation of average net earnings consistently made by active, full-time agents or representatives under normal conditions, or representing as the customary or regular prices for premiums used by him in connection with any sales stimulator plan, prices or values which are in fact substantially in excess of the actual values of such premiums. (3873)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K STREET, N. W. WASHINGTON, D. C. Vol. 7, No. 51, December 22, 1939

HAPPY NEW YEAR

A. F. of M.

In view of developments in the A. F. of M. situation, many affiliates have believed it wise to write to their musicians' locals to this effect:

The current agreement between Station —— and Local —— of the American Federation of Musicians expires January 17, 1940. At the local officers' earliest convenience, representatives of the station would like to meet with them to negotiate a new agreement to succeed the expiring one.

STUDEBAKER-FREC REPORT COMMENDS AMERICAN SYSTEM

Declaring that "there is, and there can be no basic conflict between educators and broadcasters within the proper concept of the American way," Dr. John W. Studebaker, U. S. Commissioner of Education, yesterday submitted his report, covering the activities of the Federal Radio Education Committee, of which he is the chairman, to James L. Fly, the Chairman of the Federal Communications Commission.

The report, covering the chronological development of the FREC (which is jointly financed by two foundations and the broadcasting industry) gives a comprehensive review of educational and public service aspects of broadcasting. Throughout the report there is a reflection of the improving relations between educators and broadcasters.

(Continued on page 3906)

33 More Stations Subscribe to Broadcast Music Inc.

With one of the best showings of any District to date, 33 stations out of the 36 represented at the Fourth District meeting, subscribed to Broadcast Music, Inc. The District embraces stations in Virginia, West Virginia, South and North Carolina, Maryland and the District of Columbia. In this District are 59 operating stations.

Those subscribing:

WBIG, Greensboro, North Carolina; WBLK, Clarksburg, West Virginia; WBT, Charlotte, North Carolina; WCAO, Baltimore, Maryland; WCBM, Baltimore, Maryland; WCHS, Charleston, West Virginia; WCSC, Charleston, South Carolina; WDBJ, Roanoke, Virginia; WDNC, Durham, North Carolina; WFBR, Baltimore, Maryland; WGBR, Goldsboro, North Carolina; WGH, Newport News, Virginia; WGTM, Wilson, North Carolina; WHIS, Bluefield, West Virginia; WIS, Columbia, South Carolina; WJLS, Beckley, West Virginia; WJSV, Washington, D. C.; WMAL, Washington, D. C.; WMBG, Richmond, Virginia; WMMN, Fairmont, West Virginia; WOL, Washington, D. C.; WPAR, Parkersburg, West Virginia; WPTF, Raleigh, North Carolina; WRC, Washington, D. C.; WRTD, Richmond, Virginia; WRVA, Richmond, Virginia; WSAZ, Huntington, West Virginia; WSJS, Winston-Salem, North Carolina; WSOC, Charlotte, North Carolina; WTAR, Norfolk, Virginia; WTBO, Cumberland, Maryland; WWNC, Asheville, North Carolina; WWVA, Wheeling, West Virginia.

Highlights in B. M. I. Subscriptions to Date

A study of the results of figures received from the first ten District Meetings held in behalf of Broadcast Music, Inc., indicates a more than gratifying acceptance of the plan throughout the industry.

District 12 is highest in the percentage of subscriptions

(Continued on page 3906)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering*
Andrew W. Bennett, *Special Copyright Counsel*

STUDEBAKER-FREC REPORT COMMENDS AMERICAN SYSTEM

(Continued from page 3905)

In his conclusions Dr. Studebaker said in part:

"The private ownership of property and its administration in the interests of the owner, so long as that administration is not inimical to the public welfare, is a root principle of the American philosophy. It is in this respect that the American philosophy differs most sharply from the ideologies of some other nations.

"The American system of education reflects this basic philosophy. It proceeds upon the premise that, under the American form of government, the individual should be encouraged toward the fullest self-expression, and it endeavors not only to equip the individual to achieve that self-expression, but also to guide him toward a type of self-expression which will be constructive and in the best interests of the whole body of citizens.

"Broadcasters represent that small group of body politic which has sought and found self-expression through the development and administration of radio. According to their lights they have administered this public trust in the public interest, and there is no principle in the American philosophy which forbids that they should receive rewards of the kind which accrue to other citizens who find opportunities for self-expression through other commercial or industrial channels. This is basic and undeniable if we are to adhere to the American system of living.

"The maintenance of this system—a system of freedom of expression which demands free communication, is more closely identified with the responsibility of maintaining the American system of freedom in education than with any other force in our scheme of living. Public education is supported and controlled by the public; yet education must make possible freedom to learn if democracy is to be nurtured and developed. Radio, by its nature, must be regulated by the Government, but radio must provide freedom of communication if it, as a powerful instrument of influence, is to strengthen and not stifle the processes of democracy.

"In the kindergarten, the elementary school, the secondary school, the college, the university—from the rostrum, the forum platform, and at the table around which a discussion group may gather, educators are today, and for years have been upholding and inculcating an appreciation of the American way of life and especially of the basic necessity of freedom to learn. In doing so they have increased the understanding of the need for a system of broadcasting free from the compulsions of censorship.

"We have indicated that broadcasters administer a public trust—free to derive profit from that administration if they choose, but enjoined to operate in the public interest; to assume responsibility which is always a concomitant of privilege. All through the American system these two factors will be found ranged side by side—privilege, and responsibility—*noblesse oblige.*

"As this report is written we cannot offer all of the answers to these and other equally basic questions. *But we are steadily moving* toward solutions, and the Federal Radio Education Committee, representing the cooperative effort and will of broadcasters and educators toward true public service, is a very proper vehicle for seeking answers to these questions which must eventually be satisfactorily answered. There is, and there can be, no basic conflict between educators and broadcasters within the proper concept of the American way. Broadcasters enjoy the privileges of broadcasting only because the American people are abidingly devoted to the perpetuation of a system of life under which the individual may enjoy the fullest freedom as a concomitant of his actions in the commonweal. The American system of education is the strongest bulwark for the continuation and perpetuation of that system in this country today. Therefore it is a mutual necessity that broadcasters and educators shall work together for the solution of the problems of education through radio in the truly democratic manner represented by the Federal Radio Education Committee."

HIGHLIGHTS IN B. M. I. SUBSCRIPTIONS TO DATE

(Continued from page 3905)

with a figure of 85%; though Districts 14, 4 and 1 are close behind with better than 80% subscribed.

Districts 2, 9 and 11 show better than 60% already signed up, and Districts 8 and 10 are in excess of 50%.

Despite the fact that when the meeting of District 7 was held in Dayton, Ohio, no solicitation for stock subscriptions could be made at the time, this District now shows a large subscription list with more coming in every day.

Below is published a list of the district meetings scheduled for 1940.

CORRECTION

In last weeks NAB REPORTS it was stated that in the Omaha meeting a vote of the members present showed their approval of the NAB Code "four to one".

Headquarters has been informed by Don Searle, KOIL, that this was an incomplete statement and did not reflect the whole aspect of the vote. The "four to one" vote was one favoring a "liberal interpretation" of the Code in contrast to that "of a strict enforcement," Mr. Searle stated.

1940 DISTRICT MEETINGS

District 3	Camden, New Jersey	Walt Whitman Hotel	January 4, 1940
District 5	Alabama Georgia — Columbus, Ga.		January 18, 1940
	Florida — Orlando, Fla.	Fort Catlin Hotel	January 19, 1940
District 6	New Orleans, La.	Roosevelt Hotel	January 3, 1940
District 13	Dallas, Texas	Baker Hotel	January 5, 1940
District 15	San Francisco, Calif.	Palace Hotel	January 10, 1940
District 16	Los Angeles, Calif.	Ambassador Hotel	January 9, 1940
District 17	Portland, Oregon	New Heathman Hotel	January 12, 1940

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TO STUDY POSSIBILITIES OF AURAL BROADCASTING ON HIGH FREQUENCIES

In view of the growing interest in frequency modulation and filing of applications to begin regular broadcast service as distinguished from experimental service on frequencies above 25,000 kilocycles, the Federal Communications Commission announced Tuesday that it will inquire fully into the possibilities of this system of modulation as well as amplitude modulation for aural broadcasting. Accordingly, an informal engineering hearing will be held before the full Commission beginning at 10 a. m. February 28, 1940, the Commission announced.

Pending the outcome of this hearing, it was decided to grant the following classes of applications:

(a) Applications for permission to carry out programs of fundamental research not authorized in the past and which show satisfactory promise of being able to contribute substantially toward the development of aural broadcasting service, and

(b) Applications filed by existing licensees to experiment with aural broacasting on frequencies above 25,000 kilocycles, provided the request to operate additional stations involves a program of experimentation directly related to the existing station.

About 20 applications are pending action by the Commission for new stations desiring to use frequency modulation. There are now 34 amplitude modulated stations and 20 frequency modulated stations authorized by the Commission.

Before a permanent policy can be established with respect to either or both systems of modulation on frequencies above 25,000 kilocycles for regular broadcasting service, studies and investigations must be made regarding the relative values of the two systems, the patent situation, the frequency needs of all radio services, and whether amplitude or frequency modulation, or both systems, should be recognized for other services as well as broadcasting. It is also necessary to consider the possible future effect that broadcasting on ultra high frequencies may ultimately have upon standard broadcasting in the band 550 to 1600 kilocycles.

The frequency bands above approximately 25,000 kilocycles are sometimes referred to as "very high frequencies", "ultra high frequencies", or "ultra short waves". These frequencies possess relatively short distance characteristics as compared with the lower frequency bands. The signals are subject to rather wide diurnal and seasonal variations in signal strength at distances beyond the horizon; therefore, as a practical matter, these frequencies may be said to be useful for broadcast service up to about 100 miles only.

Major E. H. Armstrong, professor of electrical engineering at Columbia University, appeared as a witness in behalf of frequency modulation at the Federal Communications Commission engineering hearing in June, 1936. On the basis of testimony of experts who testified at this hearing, and after studies had been made jointly by the Commission's Engineering Department and the Interdepartment Radio Advisory Committee, the Commission and the President adopted permanent allocations above 25,000 kilocycles for the various government and non-government radio services.

Amplitude modulation has long been used as the standard system for transmitting speech and music by radio. It is the only system of modulation which is used by the existing services operating on conventional frequencies, i.e., below 25,000 kilocycles.

The claimed chief advantages of the two methods are set forth briefly as follows:

Amplitude Modulation

1. Amplitude modulation utilizes a much narrower band of frequencies, i.e., about one-fifth of the frequency band required for wide band frequency modulated signals of equal fidelity.
2. Amplitude modulation may be used on all frequencies throughout the radio spectrum, whereas frequency modulation has proven useful only in the very high frequency bands.
3. Amplitude modulation is the only system which has been used successfully for television on the frequencies allocated by the Commission for television service.

Frequency Modulation

1. Frequency modulation possesses characteristics whereby it is possible to reduce the effects of all kinds of disturbances including atmospheric static, electrical noises, and background signal interference.
2. A frequency modulated broadcast station employing low power will provide greater service than a similar station using amplitude modulation. However, if the power of the two stations is substantially increased the percentage increase in service area of the frequency modulated signal will be materially reduced.
3. A frequency modulated receiver will accept only the strongest signal or noise as the case may be when the ratio of the desired to undesired signal strength is approximately 2 to 1. In the case of amplitude modulation, the ratio must be at least 20 to 1 for good broadcast service. Consequently, it is possible to operate frequency modulated stations at relatively close geographical locations without interference.
4. Frequency modulation has definite advantages over amplitude modulation in operating the low power services such as forestry, police, aircraft, etc. In such cases, each system is under the control of one licensee who can plan for the purchase, installation and operation of the entire transmitting and receiving system.

Radio Council on Children's Programs Formed to Aid Code

Following a luncheon meeting at Town Hall Club last Monday in New York between members of the Radio Council on Children's Programs, with Ed Kirby and Paul Peter of the National Association of Broadcasters, Margaret Cuthbert of the National Broadcasting Company, Gilson Gray of the Columbia Broadcasting System, and Joseph Creamer and Jules Seebach of the Mutual Broadcasting System, Mrs. Harold V. Milligan, chairman of the Council, made public a list of eight attributes which children's radio programs should have in order to be included in the recommended lists which the Council will distribute to members of affiliated organizations.

"The Council has agreed," declared Mrs. Milligan, "that children's radio programs should:

"1. Be entertaining.
"2. Be dramatic, with reasonable suspense.
"3. Be of high artistic quality and integrity.
"4. Be expressed in correct English and diction.
"5. Appeal to the child's sense of humor.
"6. Be within the scope of the child's imagination.
"7. Stress human relations for cooperative living.
"8. Stress intercultural understanding and appreciation."

In a brief statement telling of the origin and development of the Radio Council on Children's Programs, Mrs. Milligan, who is Radio Chairman of the General Federation of Women's Clubs, explained that initiators of the Council's movement to bring about better radio programs for children are: representatives of the General Federation of Women's Clubs, United Parents' Associations, American Library Association, National Society of New England Women, and Junior Programs, Inc. Since the Council began its activities about a year ago, other groups have become affiliated, and in order to broaden the scope of its activities and coordinate all efforts for improving children's radio programs, in line with the policy set forth in the NAB Code, the following representatives have been appointed Vice-Chairmen: Mrs. Dorothy Lewis, New England Colony of Women, patriotic women's organizations; Mrs. Nathaniel Singer, United Parents' Associations, parents' groups; Mrs. Harold V. Milligan, General Federation of Women's Clubs, women's clubs; Miss Rita Hochheimer, National Education Association, schools; Dr. Alice V. Keliher, Progressive Education Association, teachers' organizations; Mary Gould Davis, American Library Association, public libraries and librarians; and Mrs. Dorothy L. McFadden, founder-director of Junior Programs, Inc., children's program producers.

The NAB Headquarters Staff and the Code Compliance Committee will work in close cooperation with the Radio Council on Children's Programs.

FREE OFFERS

In deference to this season of giving, the Bureau of Radio Advertising suspends the publication of the current crop of "free offers" in this week's Reports.

The latest list of time-chiselers will be fully reported in a latter issue, however.

DONALD KAGY

Anyone knowing of the whereabouts of Donald Kagy is asked to communicate with Eugene Carr, Assistant Manager of WGAR, Cleveland, Ohio.

BROADCAST MEASUREMENTS

During November, Federal Communications Commission officials measured 713 broadcast stations, with 90 not measured.

Of these, 637 stations showed a maximum deviation within 0-10 cycles; 70 stations a deviation within 11-25 cycles; 5 stations a deviation within 26-50 cycles; and 1 station showing a maximum deviation of over 50 cycles.

EXPERIMENTAL AUTHORIZATION CHANGE

The effective date of application of paragraph 3(b) of Section 3.32 of the Rules Governing Standard Broadcast Stations, insofar as it pertains to existing experimental stations, was postponed from January 1, 1940, to May 1, 1940, by action of the Federal Communications Commission.

This particular provision reads:

> "In case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcements during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities."

SPECIAL AUTHORIZATIONS FOR HOLIDAY RADIO PROGRAMS

The Federal .Communications Commission has announced that from December 20 through December 30, it will entertain on 48 hours notice and may grant, through the usual officials, applications for individually designated programs of a religious, ceremonial, or other nature having to do with the celebration of Christmas and the New Year.

FEDERAL COMMUNICATIONS COMMISSION

FINDING OF FACT

The Federal Communications Commission has granted a proposed finding of fact proposing to grant the application of WRTD, **Richmond, Virginia,** to change its operating assignment from **1500 kilocycles,** 100 watts, unlimited time, to **590 kilocycles,** 1,000 watts, unlimited time, using a directional antenna at night.

The Commission found that the applicant is financially qualified to install the equipment and to operate the station as proposed. Also, the directional antenna will comply with the Commission's Rules and will render proper service.

FINAL ORDER

The Commission has adopted a final order granting the application of KOH, **Reno, Nevada,** and KERN, **Bakersfield, California.** KOH was granted permission to move its transmitter locally, install new equipment and change its frequency from **1380 kc.,** 500 watts, unlimited time, to **630 kc.,** 1000 watts, unlimited time, using directional antenna at night. KERN was granted authority to change its frequency from **1370 kc.** to **1380 kc.,** increase its power from 100 watts to 1000 watts, to change its transmitter site and install new equipment.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled before the Commission during the week beginning Monday, December 25.

There will be no regular meetings of the Commission during the week of December 25. The next regular meetings of the Commission will be on January 4 and 5.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WMBC—E. J. Hunt, Detroit, Mich.—Granted authority to transfer control of Michigan Broadcasting Co., licensee of station WMBC (representing 1,643 shares, or 62%, of issued and outstanding capital stock of licensee corporation), from E. J. Hunt to John L. Booth, for a consideration of $125,000. (Station operates on **1420 kc.,** 250 watts day, 100 watts night, unlimited time.)

WHK—The United Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to transmit facsimile signals between the hours of 1 and 6 a. m., using 1 KW power, for the period ending August 1, 1940. (The present assignment of WHK is **1390 kc.,** 1 KW, 5 KW LS, unlimited time.)

W8XE—The United Broadcasting Co., Cleveland, Ohio.—Granted license for replacement of transmitter, using the transmitter constructed under authority for relay broadcast station WRPM, and increase power of facsimile station W8XE from 50 to 100 watts.

WTIC—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of special authority to use directional antenna for night operation.

WFTM—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted modification of construction permit for approval of studio and transmitter sites, installation of vertical radiator, and increase in night power from 100 to 250 watts, operating on **1210 kc.,** 250 watts day, unlimited time.

KUTA—Utah Broadcasting Co., Salt Lake City, Utah.—Granted modification of construction permit to increase power from 100 to 250 watts, operating unlimited time on **1500 kc.**

KLAH—Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Granted modification of license to increase night power from 100 to 250 watts, on **1210 kc.,** unlimited time.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted modification of license to increase night power from 100 to 250 watts, **1370 kc.,** unlimited time.

WISE—Harold H. Thoms, Asheville, N. C.—Granted modification of license to increase night and day power from 100 to 250 watts, operating unlimited time on **1370 kc.**

KWJB—Sims Broadcasting Co., Globe, Ariz.—Present license extended on a temporary basis only, for a period of 3 months.

WAXG—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of relay broadcast station license extended on a temporary basis only, and application for renewal designated for hearing to be heard in connection with application of broadcast station WTAL for transfer of control.

KXO—E. R. Irey, F. M. Bowles, El Centro, Calif.—Present license extended on a temporary basis only, for a period of 3 months, subject to whatever action may be taken upon pending application for renewal.

The Commission granted an amended application of Station WEEI, The Columbia Broadcasting System, Inc., Boston, Mass., for a construction permit to employ present daytime directional antenna pattern for both day and nighttime operation and increase night power from 1 KW to 5 KW, on **590 kc.,** unlimited time.

RENEWAL OF LICENSES

The following relay broadcast stations were granted renewal of licenses for the period ending December 1, 1940:

WEGQ, area of Boston; WEHA, area of New York City; KEIM, area of Phoenix, Ariz.; WEKA, area of East Lansing, Mich.; WEHB, WEHD, WEHU, WEHV, WEHX, area of Cleveland, Ohio; WENK, area of Erie City, Pa.; WEHF, area of Cleveland, Ohio; WEKF, area of Paducah, Ky.

The following stations were granted renewal of licenses for the regular period:

KAWM, Gallup, N. Mex.; KDAL, Duluth, Minn.; KDNT, Denton, Tex.; KFGQ, Boone, Iowa; KGFL, Roswell, N. Mex.; KMAC, San Antonio, Tex.; KOBH, Rapid City, S. Dak.; KOVC, Valley City, North Dakota; KSAL, Salina, Kans.; KSAN, San Francisco, Calif.; KTUC, Tucson, Ariz.; KTSW, Emporia, Kans.; WAPO, Chattanooga, Tenn.; WBTH, Williamson, W. Va.; WCBS, Springfield, Ill.; WELL, Battle Creek, Mich.; WGNC, Gastonia, N. C.; WGRC, New Albany, Ind.; WHDF, Calumet, Mich.; WHBB, Selma, Ala.; WKBB, Dubuque, Iowa; WHBQ, Memphis, Tenn.; WHLB, Virginia, Minn.; WHLS, Port Huron, Mich.; WILM, Wilmington, Del.; WKBZ, Muskegon, Mich.; WKEU, Griffin, Ga.; WJAC, Johnstown, Pa.; WLAP, Lexington, Ky.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMEX, Boston, Mass.; WNBF, Binghamton, N. Y.; WMFD, Wilmington, N. C.; WPAY, Portsmouth, Ohio; WRAK, Williamsport, Pa.; WRJN, Racine, Wis.; WBNY, Buffalo, N. Y.; KGKB, Tyler, Tex.; KUTA, Salt Lake City, Utah; KATE, Albert Lea, Minn.; KELD, El Dorado, Ark.; KGLU, Safford, Ariz.; KIUP, Durango, Colo.; KLUF, Galveston, Tex.; KRIC, Beaumont, Tex.; KRLH, Midland, Tex.; KRNR, Roseburg, Ore.; KWBG, Hutchinson, Kans.; KVWC, Vernon, Tex.; KXL, Portland, Ore.; WCHV, Charlottesville, Va.; WGPC, Albany, Ga.; WJMS, Ironwood, Mich.; KNET, Palestine, Tex.; WJBK, Detroit, Mich.; WMSL, Decatur, Ala.; WNOE, New Orleans, La.; WPAD, Paducah, Ky.; WGRA, Rome, Ga.; WRTD, Richmond, Va.; WSLI, Jackson, Miss.; WSTP, Salisbury, N. C.; WSYB, Rutland, Vt.

The following station was granted renewal of license for the period ending October 1, 1940: KFPW, Fort Smith, Ark.

The following stations were granted extension of licenses upon a temporary basis only, pending receipt of and determination upon application for renewal of license, in no event later than February 1, 1940:

KGKY, Scottsbluff, Nebr.; WFOR, Hattiesburg, Miss.; WMFJ, Daytona Beach, Fla.

The following stations were granted extension of licenses upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1940:

KCRJ, Jerome, Ariz.; WMFR, High Point, N. C.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken upon the pending applications of KRKO for renewal of license, construction permit and assignment of license, and the application of Cascade Broadcasting Co., Inc., for construction permit.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

WRDO—WRDO, Inc., Augusta, Ga.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken by the Commission upon the application of WWRL for renewal of license pending before it.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only, for the period ending February 1, 1940, pending determination upon application for renewal of license.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license further extended upon a temporary basis only, for the period ending February 1, 1940, pending determination upon application for renewal of license.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Present license extended upon a temporary basis only, for the period ending February 1, 1940, pending determination upon application for renewal of license.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Special experimental authorization to operate a "Satellite" station on **1370 kc.,** 10 to 100 watts power, unlimited time, in addition to WLLH, was extended for a period of one month ending February 1, 1940.

KSUB—Leland M. Perry, Cedar City, Utah.—Extended special temporary authorization to Leland M. Perry, surviving partner of Johnson & Perry, a partnership, to operate station KSUB for a period of one month, from January 1 to February 1, 1940, upon a temporary basis only, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to station KSUB, and that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms thereof.

WAXG—Florida Capitol Broadcasters, Inc., area of Tallahassee, Fla.—Extended relay broadcast station license further upon a temporary basis only, for the period January 1 to February 1, 1940, pending determination upon application for renewal.

KEIO—KUOA, Inc., area of Siloam Springs, Ark.—Extended relay broadcast station license further upon a temporary basis only, for the period January 1, to February 1, 1940, pending determination upon application for renewal.

MISCELLANEOUS

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted license to cover construction permit for change in equipment and increase in power to 250 watts; **1370 kc.**, unlimited time; formerly operated with 100 watts.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted license to cover construction permit for new transmitter, changes in antenna, local move of transmitter, and increase in day power; **1240 kc.**, 1 KW night, 5 KW day, unlimited time.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted license to cover construction permit for changes in transmitter and increase in power from 100 watts to 250 watts, **1370 kc.**, unlimited time.

WKRP—Radio Station WSOC, Inc., Portable-Mobile (area of Charlotte, N. C.).—Granted construction permit to make change in transmitter in portable-mobile station.

WMOB—S. B. Quigley, Mobile, Ala.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WMOB—S. B. Quigley, Mobile, Ala.—Granted license to cover construction permit and modification thereof for new broadcast station, **1200 kc.**, 100 watts power, daytime only.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Granted license to cover construction permit and modification thereof for new broadcast station, **1370 kc.**, 100 watts power, 250 watts day, unlimited time.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted license to cover construction permit and modification thereof for increase in day power from 1 KW day to 5 KW day; new transmitter, local move of transmitter and new antenna; **1260 kc.**, 1 KW night and 5 KW day, unlimited time.

Springfield Radio Service, Inc., Springfield, Ohio.—Granted petition to accept appearance filed late in re application for new station to operate on **780 kc.**, 250 watts, daytime.

Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Granted motion for leave to amend application for new station to change frequency from **1370 kc.** to **1150 kc.**, and operate 250 watts, daytime only.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from 6:00 p. m. to 6:45 p. m., EST, on December 24, 1939, in order to broadcast Richmond's Christmas Mother Pageant.

Chilton Radio Corp., Dallas, Tex.—Granted petition to consolidate application for new station to operate on **1370 kc.**, 250 watts, unlimited time, with that of V. O. Stamps for a new station in Dallas, requesting the same facilities.

Dixie Broadcasting Corp., La Grange, Ga.—Passed nisi petition for enlargement of issues and consolidation with the application of Valley Broadcasting Co., West Point, Ga., for a new station to operate on **1310 kc.**, 250 watts, unlimited time.

WAAB—The Yankee Network, Inc., Boston, Mass.—Granted petition to extend time for filing findings to be proposed by the parties to February 14, 1940, in re application of The Mayflower Broadcasting Corp., Boston, for a new station to operate on **1410 kc.**, 500 watts, 1 KW LS, unlimited time (facilities of station WAAB), and the application for renewal of license of station WAAB.

Chilton Radio Corp., Dallas, Tex.—Granted authority to take depositions in re application for new station to operate on **1370 kc.**, 250 watts, unlimited time.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WEKQ—Allen T. Simmons (Area of Tallmadge, Ohio), Portable-mobile.—Granted modification of license of portable mobile relay broadcast station to increase power from 25 watts to 100 watts.

WEIK—WFBM, Inc., Portable-Mobile (area of Indianapolis, Ind.).—Granted modification of license of portable-mobile relay broadcast station to use 40 watts power on **31220 kc.** for the transmission of orders only.

KBKR—Louis P. Thornton, Baker, Ore.—Granted license to cover construction permit and modification thereof, for new broadcast station to operate on **1500 kc.**, 100 watts, 250 watts day, unlimited time.

KARM—George Harm, Fresno, Calif.—Granted license to cover construction permit for changes in equipment and increase in power; **1310 kc.**, 250 watts power, unliimted time.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted license to cover construction permit for local move and new antenna; **1210 kc.**, 100 watts, unlimited time.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ, authorized by modification of construction permit, on frequency **43000 kc.**, with power not to exceed 2000 watts, for the period beginning December 16, 1939, and ending not later than January 14, 1940, and to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period December 20, 1939, to not later than January 18, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WCLS—WCLS, Incorporated, Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:45 p. m., CST, on January 6, 16, and 23, 1940, in order to broadcast basketball games only.

Bamberger Broadcasting Service, Inc., Portable-Mobile, Newark, N. J.—Granted construction permits for two new high frequency relay broadcast stations to be used to relay programs where wire facilities are not available, to be broadcast over applicant's standard broadcast station, frequencies **31620**, **35260**, **37340** and **39620 kc.**, 0.2 watt power.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Granted license to cover construction permit for move of transmitter and studio sites locally, and changes in antenna system; **1310 kc.**, 250 watts, unlimited time.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted special temporary authority to operate from 8:00 p. m. to 10:30 p. m., EST, on December 16, 1939, in order to broadcast Dedication of Radio Station WKNY, provided station authorized to conduct program tests.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted special temporary authority to use studios in the Governor Clinton Hotel, Kingston, N. Y., as main studios during the period authorized for program tests, pending action on formal application to change location of main studio.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Denied special temporary authority to operate from 5:15 p. m., CST, to the conclusion of the Rose Bowl football game on January 1, 1940, in order to broadcast the football game only.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted construction permit to make changes in auxiliary transmitter for auxiliary purposes only; **580 kc.**, 1 KW night and day.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted modification of construction permit for new broadcast station, to move transmitter site to approximately one mile north of previously approved site, and extend commencement date from August 20, 1939, to 60 days after grant and completion date 180 days thereafter; **1500 kc.**, 100 watts night, 250 watts day, unlimited.

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted modification of construction permit for new broadcast station, for approval of transmitter site, installation of new equipment and vertical radiator. Transmitter site to be located at Niagara, N. Y.; **1260 kc.**, 1 KW, daytime.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Company, Yarmouth, Mass.—Granted modification of construction permit to increase night power to 250 watts, for extension of completion date from January 1, 1940, to May 1, 1940; **1210 kc.**, 250 watts, unlimited.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted license to cover construction permit for auxiliary transmitter to operate on **880 kc.**, 500 watts, for emergency use only.

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Section 3.54, with certain additional power specifications.

WEMA—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Boston, Mass.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.

WEMB—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Boston, Mass.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.

WEMN—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Philadelphia, Pa.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.

WEMO—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Pittsburgh, Pa.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.

WEHG—Columbia Broadcasting System, Inc., Portable-mobile (area of WABC, New York, N. Y.).—Granted modification of license to increase power of portable-mobile station to 2.0 watts.

WSPB—WSPB, Inc., Sarasota, Fla.—Granted license to cover construction permit for new broadcast station, and modification thereof; **1420 kc.**, 100 watts night, 250 watts day, unlimited time.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted license to cover construction permit, and modification thereof, for changes in equipment and increase in power to 1 KW; **1430 kc.**, unlimited time.

WRTD—Times Dispatch Radio Corp., Richmond, Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with additional power specifications.

WKAQ—Radio Corp. of Porto Rico, San Juan, Puerto Rico.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with additional power specifications.

WLWC—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted modification of license of relay broadcast station to increase power to 50 watts.

WLWD—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted modification of license of relay broadcast station to increase power to 50 watts.

WLWG—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted license to cover construction permit to increase power to 2 watts and install new transmitter in relay broadcast station.

WLWH—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted license to cover construction permit to install new transmitter in relay broadcast station.

WLWI—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted license to cover construction permit to increase power to 15 watts and install new transmitter in relay broadcast station.

WELV—West Virginia Broadcasting Corporation, Portable-mobile (area of Wheeling, W. Va.).—Granted modification of license to increase operating power of relay broadcast station to 50 watts.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 5:00 p. m. to 8:00 p. m., EST, on December 24, 1939, and from 10:30 p. m., December 24, 1939 to 1:00 p. m., EST, December 25, 1939, in order to broadcast non-commercial public service broadcasts as described in letter dated December 11, 1939.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Granted special temporary authority to operate from 10:00 p. m. to 12:00 p. m., AST, on December 29, 1939, in order to broadcast holiday programs.

The WGAR Broadcasting Co., Portable Mobile (area of WGAR, Cleveland, Ohio).—Granted construction permit for new high frequency relay broadcast station to operate on **132260, 134080, 135480** and **135760 kc.**, power 100 watts.

WLWO—The Crosley Corporation, Cincinnati, Ohio.—Granted modification of construction permit for new equipment and increased power, for extension of completion date from January 1, 1940 to July 1, 1940.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:00 p. m. to 9:30 p. m., CST, on December 16, 27, 1939 and January 1, 1940, and from 7:00 p. m. to 8:30 p. m., CST, on December 21, 1939 and January 6, 1940, during the broadcasts of basketball games only.

WSBT—South Bend Tribune, South Bend, Ind.—Granted petition insofar as it requests acceptance of amendment to application seeking a change in directional antenna structure described in pending application requesting use of frequency **930 kc.**, with 500 watts power, unlimited time.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted renewal of license for the regular period. The application for renewal of license for WMAQ was designated for hearing because of the request of WHA, Madison, Wisconsin, for its facilities. On October 27, 1939, the Commission dismissed without prejudice the application of WHA and the hearing was cancelled.

RCA Communications, Inc., New York City.—Dismissed the matter in re informal application for authority under Sec. 325(b) of the Communications Act, to maintain apparatus to be used in connection with program transmissions, and closed the files insofar as it relates to this application.

The St. Louis University, St. Louis, Mo.—Granted special temporary authority to operate from 4:45 p. m. to 5:00 p. m., CST, on December 31, 1939, in order to broadcast Holy Service.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF, with reduced power of 250 watts, from 8:00 p. m., CST, to the conclusion of the basketball games on December 28, 1939, January 18 and 25, 1940, in order to permit WGBF to broadcast basketball games only.

WGBF—Evansville on the Air, Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU as above in order to broadcast basketball games only.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted construction permit to use old RCA 250-W, transmitter as an auxiliary transmitter at new site, 341 Rising Main St., Pittsburgh, Pa.; **1500 kc.**, 250 watts, auxiliary purposes only.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted modification of construction permit for authority to install new transmitter; **1350 kc.**, 1 KW night, 5 KW day, unlimited, directional antenna.

APPLICATIONS FILED AT FCC

560 Kilocycles

KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Modification of license to request classification of station as Class III-A.

WIS—The Liberty Life Insurance Co., Columbia, S. C.—Authority to determine operating power by direct measurement of antenna power.

570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new transmitter, make changes in directional antenna, increase power from 1 KW to 5 KW, move transmitter from College Point Causeway, Flushing, N. Y., to Belleville, Turnpike, Kearny, N. J. Amended: to request 1 KW-5 KW day power and make equipment changes.

620 Kilocycles

KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Construction permit to install new transmitter, directional antenna day and night use, increase power from 250 watts; 1 KW day, to 5 KW. Amended to request 1 KW, 5 KW day power (use directional antenna day and night).

630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW (directional antenna for night use).

880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of license to increase power from 250 watts to 500 watts.

920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

940 Kilocycles

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to increase power from 1 to 5 KW, install new transmitter and directional antenna for day and night use. Amended antenna changes, and move transmitted from 675 S. Fourth St., Louisville, Ky., to Hamburg Pike, 2 miles N. of Jeffersonville, Ind.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit to install new transmitter, increase power from 100 watts to 1 KW, change hours of operation from day to limited. Amended equipment.

1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-P-1865) as modified, for new transmitter, antenna and move of transmitter and studio, further requesting authority to install directional antenna for night use, and change power and hours of operation from 5 KW, limited, to 5 KW to sunset at KNX (P.S.T.) and 1 KW thereafter, unlimited time, extend commencement date 30 days after grant and completion date 90 days thereafter.

1080 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license to change hours of operation from limited, shares with WCBD, to limited time only. Contingent on WCBD going to new frequency.

1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 250 watts night and 1 KW day, to 5 KW day and night; and move transmitter from 231 West Michigan St., Milwaukee, Wis., to near Milwaukee, Wis. Amended to request 1 KW, 5 KW day power.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modified license to change hours of operation from daytime to unlimited, using 500 watts.

NEW—Willard Carver, Thomas B. Williams, and Byrne Ross, Lawton, Okla.—Construction permit for a new broadcast station to be operated on **1120 kc.**, 250 watts, daytime.

1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special experimental authority for unlimited time, using directional antenna for night use, for period 2-1-40 to 2-1-41.

1200 Kilocycles

WJHL—WJHL, Inc., Johnson City, Tenn.—Construction permit to make changes in transmitting equipment; install directional antenna for night use; increase power from 250 watts to 1 KW; change frequency from **1200 kc.** to **880 kc.**; move transmitter 500 feet east of present location, from Kingsport Highway (3 miles north) to Kingsport Highway 11E, 3 miles from Johnson City, Tenn. Amended re stock ownership.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Modification of construction permit (B1-P-2240) for increase in power; move of transmitter to site to be determined, Hartford, Conn.; install new transmitter; changes in antenna, further requesting approval of antenna; change type of transmitter; increase in power from 100 watts, 250 watts day, to 250 watts day and night; and approval of transmitter site at northeast corner of Talcott Road and South Quaker Lane, West Hartford, Conn.

WESX—North Shore Broadcasting Company, Salem, Mass.—License to cover construction permit (B1-P-2332) for a new broadcast station.

WESX—North Shore Broadcasting Company, Salem, Mass.—Authority to determine operating power by direct measurement of antenna power.

KVOS—KVOS, Inc., Bellingham, Wash.—Authority to determine operating power by direct measurement of antenna power.

KVOS—KVOS, Inc., Bellingham, Wash.—License to cover construction permit (B5-P-2456) for changes in transmitting equipment and increase in power.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—License to cover construction permit (B3-P-2516) for changes in equipment, increase power, and change hours of operation. Amended re section 5c.

NEW—Tri-County Broadcasting Co., DuBois, Pa.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time.

1210 Kilocycles

KANS—The KANS Broadcasting Co., Wichita, Kans.—License to cover construction permit (B4-P-2479) as modified for changes in equipment and increase in power.

KANS—The KANS Broadcasting Co., Wichita, Kans.—Authority to determine operating power by direct measurement of antenna power.

KXOX—Sweetwater Radio, Inc., Sweetwater, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power.

1220 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Construction permit to make changes in transmitting equipment and increase power from 500 watts to 1 KW, directional antenna for day and night use.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

1280 Kilocycles

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

WTEL—Foulkrod Radio Engineering Company, Philadelphia, Pa.—Modification of license to change frequency from **1310 kc.** to **1500 kc.**, and hours of operation from shares with WHAT to unlimited time, using 100 watts power.

KARM—George Harm, Fresno, Calif.—Authority to determine operating power by direct measurement.

WSGN—The Birmingham News Co., Birmingham, Ala.—Construction permit to install new antenna; increase power from 100 watts night, 250 watts day, to 250 watts day and night; and move transmitter from 1627 N. 20 Way, to 2200 Fourth Ave., N., Birmingham, Ala. Amended re antenna.

1330 Kilocycles

KMC—Carl E. Haymond, Tacoma, Wash.—Authority to determine operating power by direct measurement of antenna power.

1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical antenna; increase power from 500 watts to 500 watts night, 1 KW day; change in hours of operation from shares WSBT to unlimited; and move transmitter (contingent on WSBT going to **930 kc.**). Amended: Site to be determined in or near Chicago, Ill.

WCSC—South Carolina Broadcasting Company, Inc., Charleston, S. C.—Authority to determine operating power by direct measurement of antenna power. Amended re sections 4 (a) and 7.

1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to install directional antenna for night use; increase power from 1 KW nigbt and 5 KW day, to 5 KW day and nigbt. Amended re antenna.

1400 Kilocycles

WHDL—WHDL, Inc., Olean, N. Y.—Modification of license to increase hours of operation from daytime to unlimited time, using 250 watts power day and night.

1420 Kilocycles

WCBS—WCBS, Inc., Springfield, Ill.—Authority to determine operating power by direct measurement of antenna power.

WELL—Enquirer-News Co., Battle Creek, Mich.—Construction permit to install new transmitter, make antenna changes, and increase power from 100 watts to 250 watts.

NEW—Cbattanooga Broadcasting Corporation, Chattanooga, Tenn.—Construction permit for new broadcast station to be operated on **1420 kc.,** 250 watts power, unlimited time. Contingent on B3-P-1939, Docket 4909, requests facilities of WAPO if vacated.

NEW—Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on **1420 kc.,** 250 watts, unlimited time. (Contingent on B3-P-1939, Docket 4909, facilities of WAPO, when vacated.)

1500 Kilocycles

KNOW—Frontier Broadcasting Co., Austin, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—The KAW Valley Broadcasting Co., Inc., Topeka, Kans.—Construction permit for a new station to be operated on **1500 kc.,** 250 watts, unlimited time.

MISCELLANEOUS

NEW—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Construction permit for a new relay (high frequency) broadcast station on **30820, 33740, 35820** and **37980 kc.,** 25 watts power, A-3 emission, hours of operation, Section 4.24, to communicate as a relay broadcast station in accordance with Sections 4.21, 4.22(c), 4.23(b) and 4.25(b). Location: Portable-Mobile, area of Sedalia, Mo.

NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station located at 435 N. Michigan Ave., Chicago, Ill., **43200 kc.,** 1000 watts power, unlimited time, Section 4.4, emission special.

W6XDU—Don Lee Broadcasting System, area Los Angeles and environs.—License to cover construction permit (B5-PVB-35) as modified for a new television station.

W6XDU—Don Lee Broadcasting System, area Los Angeles.—Modification of license to change frequency band to **318000-330000 kc.**

KEIL—KMTR Radio Corp., area of State of California.—Modification of construction permit (B5-PRE-331), requesting increase in power from 25 watts and 50 watts on **33740 kc.,** for transmission of orders only, to 50 watts.

WALO—Columbia Broadcasting System, Inc., area of New York, N. Y.—License to cover construction permit (B1-PRE-310) for new relay broadcast station.

WALP—Columbia Broadcasting System, Inc., area of New York, N. Y.—License to cover construction permit (B1-PRE-309) for a new relay broadcast station.

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover construction permit (B1-PVB-6) as modified for new equipment, increase in power, add A-3 emission, **50000-56000 kc.** Amended to request **42000-56000, 60000-86000 kc.**

NEW—J. W. Woodruff, tr. as Atlanta Broadcasting Co., Atlanta, Ga.—Construction permit for a new bigb frequency broadcast station to be located at Atlanta, Ga., to operate on **42800 kc.,** 1000 watts, unlimited time, emission special for frequency modulation.

NEW—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Construction permit for a new high frequency broadcast station to be located at Columbus, Ga., to operate on **43000 kc.,** 1000 watts, unlimited time, emission special for frequency modulation.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Modification of license for changes in authorized frequencies from **42000-56000, 60000-86000** to **44000-50000 kc.** in accordance with revised rules.

W2XB—General Electric Co., Albany, N. Y.—License to cover construction permit (B1-PVB-11) to request frequency **66000-72000 kc.** in accordance with Commission's letter of 7-27-39 and to specify location as Town of New Scotland, N. Y. Amended: Specified same frequencies as granted in construction permit.

W1XA—General Electric Co., Bridgeport, Conn.—Reinstatement of construction permit (B1-PVB-12) for new television station frequencies **60000-86000 kc.,** 175 watts for visual, 100 watts aural A5, visual, A3, aural.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile.—Construction permit to change equipment and increase power from 1.5 watts to 2 watts.

WLWG—The Crosley Corp., Portable.—License to cover construction permit (B2-PRE-322) to install new transmitter and increase power to 2 watts.

WLWO—The Crosley Corp., Mason, Obio.—Modification of license to change frequencies as follows: Delete **6060 kc.** and add **6080 kc.**

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new bigh frequency broadcast station to be located at R. F. D. No. 1, Addison, Ill. Frequency **43000 kc.,** 1 KW power, special emission, unlimited time.

W9XG—Purdue University, West Lafayette, Ind.—Construction permit to request frequency channel **66000-72000 kc.** for visual and aural, power 3000 watts visual, 750 watts aural, emission A5 visual, A3 aural and changes in equipment.

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new television broadcast station to be located at New Scotland, New York, to be operated on **156000-162000 kc.,** 10 watts, A-5, unlimited.

WEMZ—WHEC, Inc., Rochester, N. Y.—License for reinstatement of relay broadcast station WEMZ.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—Construction permit to make equipment changes and increase power from 20 KW to 50 KW.

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be located at Detroit, Michigan; **43400 kc.,** 1 KW power, special emission, unlimited time.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PRE-305) as modified, to increase power to 100 watts and make changes in equipment.

NEW—The Travelers Broadcasting Service Corp., Avon, Conn.—Construction permit for a new television broadcast station on **84000-90000 kc.,** power output 1000 watts, emission A3 and A5 for aural and visual transmissions. Amended: To request **66000-72000 kc.**

NEW—Woodmen of The World Life Insurance Society, Portable-Mobile.—Construction permit for a new relay (low frequency) broadcast station to be operated on **1622, 2058, 2150, 2790 kc.,** power 10 watts, emission A3 and hours in accordance Section 4.24.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Assured Remolded Tire Distributors—See Beho Rubber Company, Inc.

Beho Rubber Company, Inc., 2441 Indiana Ave., Chicago, and Bernard Holtzman, Mae Murray and Milton M. Holtzman, individually and as officers and directors of the corporation, also trading as The Best Tire House, The Modern Improved Retread Outlet, and The Assured Remolded Tire Distributors, engaged in selling and distributing used tires which have been retreaded or recapped, are named respondents in a complaint charging misrepresentation.

The respondents have made many statements concerning their product, the complaint alleges, through their salesmen traveling throughout the various States, among which are that tires purchased from them will be identical in quality with samples displayed by salesmen taking orders; that carcasses used by the respondents in their tires are less than one year old, and will be free from boots or patches; that the tires shipped will be of the size ordered and will be shipped to the purchaser from points in the vicinity in which the purchaser is located, on consignment, and that the freight rate will be at a lower rate than that actually applying to such shipments; that large concerns such as Sears, Roebuck & Company sell retreaded or recapped tires, and that the respondents supply Sears, Roebuck & Company with such tires for resale to the purchasing public; that Beho Rubber Company, Inc., 2441 Indiana Ave., Chicago, The Best Tire House, 2433 Indiana Ave., Chicago, The Modern Improved Retread Outlet, 709 South Dearborn St., Chicago, and The Assured Remolded Tire Distributors, 2441 Indiana Ave., Chicago, have no connection or affiliation with each other and are separate and distinct businesses in competition with each other; that respondents' tires are suitable for the purpose for which they are purchased and will give many miles of service at a fraction of the cost of new tires, and that respondents are manufacturers of the tires sold by them.

The complaint alleges that the respondents do not ship tires of the same quality as the samples displayed by their salesmen, but make a practice of shipping shoddy, and, in many cases, worthless merchandise. In many instances the tires are made of old and useless tires, and usually contain boots and patches. The respondents do not always ship tires of the size ordered, and shipments are not made from points in the vicinity in which the purchaser is located, except in the vicinity of Chicago, and the freight rate applying to purchasers is often much higher than represented by respondents' salesmen. The complaint alleges that Sears, Roebuck & Company does not sell retreaded or recapped tires, and the respondents do not sell tires to Sears, Roebuck & Company, nor do the respondents make or manufacture the tires sold by them. (3973)

Best Tire House—See Beho Rubber Company, Inc.

Champion Spark Plug Company, Toledo, has been served with a complaint alleging violation of the Robinson-Patman and Federal Trade Commission Acts. Price discrimination, unlawful payment of compensation for "special sales services" and unfair resale price agreements with distributors and dealers in restraint of trade, are charged.

One of the two largest manufacturers of spark plugs in the United States, the respondent company, according to the complaint, supplies practically the entire original equipment requirements of the Ford Motor Company, and its products are also used for original equipment by Chrysler, Hudson, Studebaker, Packard, Nash, Graham-Paige, Willys-Overland, and other motor car manufacturers.

The complaint points out that more spark plugs are sold for replacement than for original equipment; that the ability of a spark plug manufacturer to sell his product in the replacement field depends largely upon the extent to which it is used for original equipment of automobiles; that its adoption by a well known automobile manufacturer has great advertising value and that automobile manufacturers customarily recommend to dealers and to car owners that in making replacements and repairs they use only parts of the same kind and manufacture as those with which a car was originally equipped. (3977)

D. D. D. Corporation—A complaint has been issued against D. D. D. Corporation, Batavia, Ill., engaged in the manufacture, sale and distribution of a medicinal preparation known as "D. D. D. Prescription".

In advertisements in newspapers and periodicals, and in continuities broadcast from radio stations, the complaint alleges, the respondent represents that "D. D. D. Prescription" is a cure or remedy and a competent treatment for eczema, blotches, pimples, athlete's foot, rashes, hives, insect bites, and minor cases of ivy and oak poisoning.

The complaint alleges that these representations are misleading and untrue, and that the preparation will have no therapeutic effect other than to temporarily relieve the symptom of itching, and that the preparation would not be a competent treatment for rashes or other externally caused skin eruptions except in those cases where a temporary acting anti-pruritic agent having some antiseptic properties might be of value. (3972)

Hi-Ho Company—See Neo-Vim Company.

Indianapolis Soap Company—Misrepresentation in the sale of soap products is alleged in a complaint issued against Indianapolis Soap Company and Williams Soap Company, 1249 Roosevelt Ave., Indianapolis, and against Jesse M., Maude S., and Robert S. Daily and Sidney F. Daily, Jr., individually and as officers of the two companies.

In the sale through canvassers and peddlers of soaps known as canvassers' soaps, the respondents allegedly misrepresented the actual retail value and quality of their products.

The respondents' soaps allegedly were advertised as being free from impurities and other harmful substances and as being made from natural mineral and vegetable oils. The complaint continues that they were also represented as being capable of purifying and invigorating and opening the pores of the skin and as being of superior grade and quality. These representations were exaggerated and misleading, according to the complaint.

Cartons of soap sold by the respondents allegedly were represented as having a retail value of 75 cents each, when, according to the complaint, they were sold to canvassers and peddlers at about 5 cents a carton.

Indianapolis Soap Company allegedly operates under various trade names including Union Soap Company, Sanisoap Company, Sanisoap Co., Inc., W & W Soap Mfg. Company, Crescent Soap Company, Cleanaid Products Company, Utility Cleanser Company, Hoosier Mfg. Company, and Nature's Products Company. (3971)

Kremola Company, Inc.—A complaint has been issued against Kremola Company, Inc., 2975 South Michigan Ave., Chicago, alleging misrepresentation in the sale and distribution of a cosmetic preparation.

The Kremola company is engaged in the distribution of a cosmetic preparation containing drugs, known as "Kremola" and as "Dr. Berry's Freckle Ointment", recommended for the purpose of removing freckles.

Among advertisements in newspapers and periodicals disseminated by it, the complaint alleges, is the following: "'Gone like magic' is the song of happy thousands for whom KREMOLA, an M. D. doctor's prescription, has cleared away pimples, blackheads, and surface skin blemishes. A clear-up—not a cover up."

The respondent allegedly has represented that its preparation will remove freckles and is a cure or remedy for pimples and blackheads. The complaint alleges that the presence of ammoniated mercury in the preparation may be harmful when continuously applied to the skin, that some of the mercury content may be absorbed through the skin, causing mercury poisoning; and that the respondent failed to reveal that use of the preparation under some conditions may cause injury to health. The effect of the preparation causes a sloughing of the outer layers of the skin, the complaint continues, which may tend to lessen the contrast between freckles, pimples and blackheads and the normal skin area, but does not remove them. (3968)

Tommy Loughran, an individual, 4 South 15th St., Philadelphia, engaged in selling correspondence courses which teach methods of building and improving the body physically, is named respondent in a complaint. (Loughran, former light-heavy-weight Champion, once fought Carnera for the heavyweight championship, but is not so identified in the complaint).

In the course of his business, the complaint alleges, Loughran, by advertising in newspapers and magazines, represents, among other things: "Now do you believe me when I say my big ambition in life is to spread the gospel of perfect health and Puissant Body Building? Where on earth could you expect to get this big, massive body with its perfectly functioning organism for such a ridiculous price as I am passing it out today? I only wish someone had offered it to me." . . . "Do you want big muscles and a huge robust body? My book 'Puissant Body Building' is absolutely FREE."

In lessons given purchasers of his course, the complaint continues, the respondent teaches how to exercise different external and internal muscles, and in other lessons explains the qualities of different foods, advising which classes and kinds of food his students should eat in order to obtain optimum health, and assures students that if they follow his instructions, perform the exercises and eat the foods he recommends, perfect health will be produced and maintained, and large muscles and a powerful, robust body will be built; that his object is to support the gospel of perfect health and puissant body building, and that if students and purchasers of his courses follow his teachings they will become paragons of strength.

The complaint alleges that respondent's course will not produce perfect health in all instances nor keep everyone in a health condition. It will not insure everyone big muscles or a huge, robust and powerful body. Respondent's book "Puissant Body Building" will not show everyone how to obtain big muscles and a powerful body, and the course of instruction will not enable everyone to become a paragon of strength. While proper exercise and diet are important factors in building up and preserving health and body strength; the complaint continues they are not the only ones. On account of physiological and other factors, many people, even though following such course of instruction and diet, cannot attain perfect health or perfect functioning of the body organism, nor can they obtain huge, robust or powerful bodies, nor are they enabled to have big muscles or a powerful body, nor become paragons of strength. (3976)

Marchant Calculating Machine Company, Oakland and Emeryville, Calif., and Dwight R. Cooke, its district manager for Washington, D. C. and parts of Virginia and Maryland, are charged in a Federal Trade Commission complaint with disparagement of the products and business standing of a competitor.

It is alleged that the respondents, in order to induce the purchase of their machines in preference to those sold by Friden Calculating Machine Co., Inc., a California corporation, represented that the latter's machines are inaccurate, low priced because of inferior workmanship, of foreign manufacture and constitute infringements on patents held by the Marchant Company, and that parts for the Friden Company's machines are not readily obtainable because such machines are assembled products.

The respondents also allegedly represented that the Friden Company is not a manufacturer but operates only an assembly plant, is not equipped properly to service calculating machines, and is not financially responsible.

The complaint alleges that the respondent's representations are deceptive and misleading and constitute unfair disparagement; that the Friden Company's machines are accurate, of American manufacture and have a trade-in value equal to other machines of similar design and value; that the Friden Company is a manufacturer, and that there is no evidence to show that it is not financially responsible. (3970)

Modern Improved Retread Outlet—See Beho Rubber Company, Inc.

Neo-Vim Company—A complaint has been issued against W. C. Pollard, A. L. Riaff, and L. M. Jensen, trading as Neo-Vim Company and as Hi-Ho Co., 400 North High St., Columbus, Ohio, sellers and distributors of a medicinal preparation designated "Neo-Vim" and a cosmetic designated "Hi-Ho Tooth Paste".

In advertising matter and through radio broadcast the respondents are alleged to have represented that "Neo-Vim" tonic is a competent and effective tonic which supplies the user with increased energy and vitality and increases the appetite; that it is a competent treatment for indigestion; and that "Hi-Ho" tooth paste possesses unusual and superior qualities for brightening the teeth; that it keeps the gums healthy and that it will remove all stain, film and discoloration from teeth and prevent impure breath and offensive breath odors.

The complaint alleges that these claims are grossly exaggerated, misleading and untrue. (3969)

Wardell Piano Company—Clayton L. Wardell, trading as Wardell Piano Company, 909 Pierce St., Sioux City, Iowa, is charged in a complaint with misrepresentation in the sale of pianos.

Through advertisements in newspapers and other printed matter, and by postcards sent through the United States Mails, the complaint alleges, the respondent has represented that pianos offered for sale by him are instruments which, having been previously sold on a deferred payment plan, have been repossessed from the original purchasers, and that the pianos are being offered for resale at prices representing only the unpaid balances due, and that such prices are substantially lower than the original prices of the pianos.

The complaint charges that the pianos sold by the respondent are not repossessed pianos, but are taken from the regular stock of the respondent, and that the prices at which they are offered for sale are the usual prices at which such pianos are customarily offered for sale by respondent in the regular course of business. (3967)

Williams Soap Company—See Indianapolis Soap Company.

CEASE AND DESIST ORDERS

No cease and desist orders were issued during the week.

STIPULATIONS

The Commission has entered into the following stipulations:

Acme Art Association—E. J. Moak, sole trader as Acme Art Association, Kansas City, Mo., mail order dealer in colored photographic enlargements, will desist from use in his trade name of the word "Association" or similar designations with the effect of conveying the impression that his individual business enterprise is a body of persons organized for the prosecution of some purpose. The respondent also agrees to cease representing directly or in any other manner, that colored or tinted photographs or enlargements are oil paintings, and that he maintains a photographic studio. (2604)

Atlanta Candy Company—Charles E. Carter, sole trader as Atlanta Candy Company, Atlanta, Ga., agrees to discontinue selling to jobbers and wholesalers for resale to retailers, or to retailers directly, candy so packed and assembled that sales to the public may be made by means of a lottery. (2612)

Bost Tooth Paste Corporation, Indianapolis, Ind., stipulates that it will cease representing that "Bost Tooth Paste" removes tobacco stains which have been absorbed into the enamel of the teeth. The stipulation points out that the respondent's preparation will not be effective in removing such stains. (02466)

Chattanooga Medicine Company, Chattanooga, Tenn., engaged in the sale of a medicinal preparation designated "Cardui," agrees to desist from representing that "Cardui," or any other medicinal preparation containing substantially the same ingredients or possessing the same properties, whether sold under that name or any other name, is an analgesic or will act immediately to relieve the pain or discomfort associated with menstrual distress or other functional disturbances of women. (02471)

Colbey Company—See Frank E. Davis Fish Company.

Frank E. Davis Fish Company—A stipulation from Frank E. Davis Fish Company, trading as The Colbey Company, 93 Rogers St., Gloucester, Mass., has been accepted in which the respondent agrees to discontinue misleading representations in the advertisement and sale of woolen blankets.

According to the stipulation, the respondent company advertised that "Every Colbey blanket is pre-shrunk—never any worry from that source."

In its stipulation, the respondent admitted that its blankets are not pre-shrunk, but are subject to residual shrinkage, and agreed to cease employing the term "Pre-shrunk" to designate blankets which are not in fact shrink-proof or non-shrinkable, or which have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left therein. (02470)

Eastern Isles Importing Company, Inc., 16 East 34th St., New York, trading also as Futura Fashions, in the manufacture and sale of women's and children's wearing apparel, has entered into a stipulation to discontinue misleading representations in the sale of its products.

Under its stipulation, the respondent corporation agrees to cease employing the word "Satin" to describe products not composed wholly of silk, but, if such word is used properly as descriptive of the construction of a fabric or product containing fiber other than pure silk, it is to be accurately qualifed by accompanying words clearly disclosing the fibers of which the fabric or product is composed. This is to be stated in the order of their predominance by weight, beginning with the largest single constituent. An example of such designation is "Silk and Rayon Satin" for a fabric of satin construction and composed of a mixture of pure silk and rayon, each present in substantial proportion but with the silk predominant; or, "Rayon Satin," when composed of rayon.

The respondent corporation also agrees to desist from use of the words "Acetate" or "Bemberg" alone or in combination with other phraseology as descriptive of the rayon content of garments, fabrics or material, unless such words are immediately accompanied by the word "Rayon" in conspicuous type, as, "Acetate Rayon" or "Bemberg Rayon."

Use of the word "Crepe" or other word connoting pure silk to describe fabrics not composed wholly of unweighted silk, is to be discontinued by the respondent. In the event any such fabric or product contains any weighting, loading or adulterating materials, conspicuous and nondeceptive disclosure is to be made of the presence of such materials and the percentage or proportion thereof is to be stated in immediate conjunction with the word "Crepe" or other word connoting pure silk.

The Eastern Isles Importing Company also agrees to cease selling any product made of rayon without disclosure of the rayon content, and to discontinue advertisement of any product composed wholly or partly of rayon without full and nondeceptive disclosure of the fiber and other content by clearly naming each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber present in less than a substantial amount, or, in any case, less than 5 per cent. (2610)

Faultless Appliance Company—Frederick L. Watson, trading as Faultless Appliance Company, Haverhill, Mass., engaged in the mail order sale of a rupture support or truss of his own design, agrees to cease and desist from use in advertising matter of any kind of statements asserting or implying that difficulties associated with rupture will be cured, ended or permanently relieved by the use of his device, or that his device will afford adequate support for all varieties and grades of hernia, or that the device will do more than give temporary support for certain varieties of hernia. (2599)

Futura Fashions—See Eastern Isles Importing Company, Inc.

Hampden Sales Association, Inc., New York, N. Y., in the sale of "Nailcare", a packaged manicuring product, agrees to discontinue representing, directly or by implication, that this article will prevent breaking of nails or will nourish or feed the nails or the skin. (2598)

G. H. Hess, Inc., Louisville, Ky., manufacturer of uniforms and house dresses, agrees to cease direct or indirect use of the terms "Shrunk" or "Pre-Shrunk" as descriptive of goods which are not shrinkproof or non-shrinkable or have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left remaining in them. The stipulation provides that if these terms are properly used to indicate application of a shrinking process and if the goods have been shrunk to a substantial extent, but there remains a certain amount of residual shrinkage, such terms are to be accompanied by clear explanations in percentages of the amounts of residual shrinkage remaining in both the warp and the filling, or in the warp or the filling, whichever has the greater residual shrinkage. An example of such explanation is "Preshrunk (or shrunk)—will not shrink more than — per cent under Commercial Standard CS59-36". The respondent also agrees to discontinue misleading uses of the word "Linene" or the term "Lin" in the description of products not made from fiber of the flax plant. (2605)

Keelor & Stites Co., Cincinnati, Ohio, engaged in the business of conducting an advertising agency which disseminated advertisements for a turkey feed designated "Tuxedo Turkey Growing & Developing Mash" and a hog feed designated "Tuxedo Porkmaker", on behalf of The Early & Daniel Company, Inc., Cincinnati, agrees to cease disseminating any advertisements which represent that correct feeding will assure one of an increase in profits, or that feed alone is responsible for the quality or size of poultry or stock. (02473)

Keystone Shower Door Company—Abram R. Finkel, trading as Keystone Shower Door Company, Philadelphia, Pa., manufacturer of glass enclosures for tub and shower baths, agrees to discontinue use in advertising matter the word "Plate," alone or with the word "Commercial", as descriptive of the glass content of his products which is not "Plate" glass. (2603)

Kroger Grocery & Baking Company, Cincinnati, Ohio, selling a food product designated "Kroger's Hot Dated Coffee" will discontinue representing directly or by implication, that the cost of packing coffee by any method other than that employed by it, is any amount in excess of the actual cost; that coffee is not as fresh as it could be if it does not have the date of roasting stamped on the package; that such date indicates to the retailer or consumer the length of elapsed time in days since the coffee contained therein was roasted; that ordinary systems of dating only measure the time from warehouse to consumer; that if respondent's coffee is not sold on or before the date stamped on the package it is not for sale at any price; that the respondent's system of dating is "the only" method or system that has any meaning, and that no other coffee affords the same freshness at the time of purchase, when these are not the facts. (02472)

Lever Brothers Company, Cambridge, Mass., in the sale of a detergent designated "Rinso", agrees to desist from representing that one using "Rinso" will "never" have red or rough hands; that the product in every instance will make clothes at least 5 shades whiter or that colors "never" fade when washed with it; that no other soap will produce the degree or kind of whiteness attained by "Rinso", or will do as good or quick a job as will the respondent's product. The representation that makers of 33 washing machines have recommended the effectiveness of "Rinso" "above all others" will also be discontinued. (02468)

Moon Gag-Cartoon School—Edward D. Muenchow, doing business as Moon Gag-Cartoon School, Fall Creek, Wis., agrees to cease and desist from representing that he is an internationally known cartoonist, when such is not the fact; that the "Noon Gag-Cartoon School" correspondence course is written and illustrated by a cartoonist regularly producing cartoons for more than 30 or any nationally circulated magazines and newspapers; that every trick of the trade one needs to know to become a successful cartoonist is included in his course of instruction; that students who have completed his course of instruction will or may, by reason thereof, be in a position to earn bankers' wages, own a home, a car and other luxuries; and that any person, without regard to education, imagination, discernment, sense of humor, experience or artistic talent, may become a successful cartoonist by taking his course of instruction. Muenchow further agrees to discontinue stating that he has made arrangements with the editors of "The Cartoon Book" that he can assure the printing and publication of cartoons therein, without explaining that he is himself the editor and publisher of such book; will cease using the word "Guarantee" or other words of similar import in connection with money-back agreements so as to mislead or deceive students or prospective students or the public. He further agrees to cease representing that any commodity or service is "free", when such commodity or service is regularly included as part of the course of instruction; or representing that statements made in his advertising media comply with rules for advertising of the private home study schools, as promulgated by the Federal Trade Commission; or using the name of the Federal Trade Commission in his advertising matter in any way, the effect of which may be to convey the impression that his claims have been given either the express or the tacit approval of the Commission. (2601)

National School of Cartooning—Ralph A. Hershberger, doing business as The National School of Cartooning, Cleveland, Ohio, agrees to desist from defamation of competitors by imputing to them dishonorable or questionable conduct, or from the false disparagement of the character, nature, quality, value or scope of their courses of instruction or educational services; from representing that personal instruction and criticism will be given by any correspondence school only when so specifically stated in an enrollment blank; that a copyright has been granted by the United States Government for the "Circle System" or any other system of drawing, or that the booklets or other material issued by The National School of Cartooning are the only cartooning publications for which a copyright has been granted within the past 20 years; from representing that students who have completed his course of instruction will or may by reason thereof step into good positions as cartoonists or comic artists, earn from $30 to $75 weekly at the start, have rapid advancement beginning immediately or "do the same" as certain outstanding cartoonists supposed to earn more than $100,000 a year, or from making overstatements or misrepresentations as to the earning power or future security of his students and graduates, and from representing that any person, without regard to his education, imagination, discernment, sense of humor, experience or artistic talent, can or may become a competent and successful cartoonist or comic artist by taking his course of instruction. (2608)

Nu-Life Cleaner Mfg. Company—Albert Isserson, trading as Nu-Life Cleaner Manufacturing Company, Cleveland, Ohio, engaged in compounding and packaging a rug and upholstery cleaning fluid and selling it under the trade name "Nu-Life Rug and Upholstery Cleaner," will cease and desist from the use in his advertisements or otherwise of any word, statement or representation, the effect of which may tend to convey the belief to purchasers that the product has sterilizing or germ destroying or moth-proofing properties or qualities, or that, when used as directed, it will completely de-moth upholstery furniture or rid it of all moths, or that it will have any moth elimination effect other than to act as a contact killer of such pests. (2607)

Takamine Corporation, New York, N. Y., stipulates that it will cease using the word "Sterilized" in connection with the sale of "Takamine" tooth brushes. The stipulation points out that the processes used in treating these brushes do not completely destroy germ life. (2602)

Tescum Company—J. H. Bramley and Edna B. Brown, trading as Tescum Manufacturing Company and as The Tescum Company, Cleveland, Ohio, selling a medicinal preparation for the correction of alcoholism designated "Tescum Powders," agree to cease representing that use of the powders will result in the eradication of the drink habit, or will "stop" excessive drinking, or that the preparation is a competent treatment for chronic alcoholism. The respondents further agree to cease use of the word "Manufacturing" as a part of their trade name and to discontinue otherwise stating or implying that they manufacture the product. (02467)

Tescum Manufacturing Company—See Tescum Company.

Thomas Hosiery Manufacturing Company—Joseph Thomas, trading as Thomas Hosiery Manufacturing Company, New York, N. Y., agreed to cease employing the word "Manufacturing" as part of his trade name or in any manner tending to convey the impression that Joseph Thomas manufactures the products he sells, when such is not a fact. (2611)

Three Rivers Fur Tannery, Three Rivers, Mich., in the sale and distribution of women's wearing apparel, agreed to discontinue use of the word "Tannery" as part of its corporate or trade name or the words "Manufacturing" or "Factory" in advertising matter. The stipulation points out that the respondent corporation, although it owns both a tannery and a factory, has not for several years actually operated its own tanning facilities, except in connection with a relatively small part of its business, but has had its products manufactured from hides dressed and otherwise prepared in tanneries which it neither owned, operated nor controlled and has filled approximately 70 per cent, if not more, of its received orders with garments made in plants which it neither owned, operated nor controlled.

The respondent corporation also stipulated that it will cease employing in advertising matter words such as "Hudson Seal," "Northern Seal," "Lapin," "American Broadtail," "Beaverette," or "Laskin Mouton" as descriptive of furs, unless such designations are immediately accompanied in equally conspicuous type by the correct name of the fur actually used so as to form the last word of the description, as, for example, "Hudson Seal-Dyed Muskrat," "Northern Seal-Dyed Rabbit or Coney," "Lapin-Dyed Rabbit or Coney," "American Broadtail, Processed Lamb," and "Mouton Dyed-Lamb." (2609)

Thrift Buyers of America, South Bend, Ind., formerly Thrift Hosiery Society, retail distributor of hosiery by mail order and otherwise, stipulates that it will desist from the use in its corporate or trade name of expressions such as "Thrift Hosiery Society" or "Thrift Buyers of America" as descriptive of its business; or the use in its trade promotional representations of phraseology such as "Thrift Associates", "Group Buying" or "In Unity there is Strength". The stipulation points out that the respondent is not organized to function as a membership cooperative organization, but is only a private business corporation for profit, whose customers are not members thereof. The respondent corporation will also cease issuing "membership" certificates with the effect of conveying the impression that customers enjoy the advantages of mass buying and avoid paying a retailer's profit. The respondent also agrees to discontinue representing that customers save 25 per cent, 40 per cent, or 25 to 50 cents on every pair of hosiery, or any percentage or amount in excess of what actually has been saved by customers in their purchase of the respondent's merchandise. (2606)

Trail's End Poultry Farm—Milton and Mark Johnson, trading as Trail's End Poultry Farm, Gordonsville, Va., in the sale of chicks incubated at their place of business at Gordonsville, Va., stipulate that they will cease using in advertising matter the language "300-egg double pedigree White Leghorn breeding males," alone or with the phrases "finest bred chicks," or "finest breeding cockerels," to imply that the chicks they sell have been hatched from eggs laid by stock of the 300-egg or pedigreed type, when such is not a fact. The respondents also agree to discontinue misleading uses of the word "certified" in connection with their chick products. (2600)

Betty Wales Cosmetics, Inc., Coral Gables, Fla., agrees to cease advertising, directly or by implication, that "Betty Wales Wrinkle Reducer" will help to reduce, remove or prevent lines or wrinkles, unless this claim is limited to temporary, superficial and minor cases due to external causes such as exposure to the elements, and that the product will penetrate or be absorbed by the skin or be beneficial in helping to retain the texture of youthful skin. (02465)

Woodstock Typewriter Company, Woodstock, Ill., agrees to cease representing that a free trial may be had of a Woodstock typewriter, until such time as a free trial is actually provided for all responsible persons in all localities in which the representation is disseminated, and to discontinue advertising that, according to information in its possession, Woodstock typewriters were used to win most of the world's school contests, when it does not possess any reliable information to that effect. (02469)

Reports

1626 K STREET, N.W. WASHINGTON, D. C. Vol. 7, No. 52, December 29, 1939

1940 DISTRICT MEETINGS

District 3	Camden, New Jersey	Walt Whitman Hotel	January 4, 1940
District 5	Alabama Georgia — Columbus, Ga.	Waverley Hotel	January 18, 1940
	Florida — Orlando, Fla.	Fort Catlin Hotel	January 19, 1940
District 6	New Orleans, La.	Roosevelt Hotel	January 3, 1940
District 13	Dallas, Texas	Baker Hotel	January 5, 1940
District 15	San Francisco, Calif.	Palace Hotel	January 10, 1940
District 16	Los Angeles, Calif.	Ambassador Hotel	January 9, 1940
District 17	Oregon — Portland	New Heathman Hotel	January 12, 1940
	Washington — Seattle		January 13, 1940

Radio and the New Year

From every standpoint American broadcasting has had its greatest year.

Its service to church, to school and to home has never been more needed, nor better conceived. It has promoted tolerance and understanding; stressed the need for cooperative living in a world elsewhere torn apart by racial and religious intolerance.

It has kept its listeners abreast of every important development at home and abroad, instantly and fairly. It has cooperated with the press to make the American people what President Roosevelt has described as "the best informed people in the world".

Its contributions to the economic and social life of the nation have increased. It has kept commerce moving; it has developed new markets and widened old ones. Its wage scale is the highest in American industry. And it has helped to fill the pay envelopes of every American worker by creating and renewing demand for products of industry and the farm.

Its economic base has been fortified. It has enjoyed an expansion of business in the past year and faces a New Year of still further expansion. Yet competitive activity within the industry has never been more vigorous or as varied: competition for listeners, competition for business, keynote of the American System of Broadcasting.

Its audience has multiplied in the past year. Practically every family in the United States save the impoverished owns a radio, unquestionably the largest single audience of listeners ever assembled in history. The number of radios in use throughout the nation has now reached the astounding total of some 45,000,000.

It has embarked upon a democratic plan of voluntary self-regulation and has earned a

(Continued on page 3920)

NAB Reports
The NATIONAL ASSOCIATION OF BROADCASTERS
1626 K St., N. W. WASHINGTON Phone NAtional 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Edward M. Kirby, *Director of Public Relations;* Joseph L. Miller, *Director of Labor Relations;* Paul F. Peter, *Director of Research;* Russell P. Place, *Counsel;* Lynne C. Smeby, *Director of Engineering* Andrew W. Bennett, *Special Copyright Counsel*

RADIO AND THE NEW YEAR

(Continued from page 3919)

greater degree of public confidence thereby. It has proven it can itself shoulder its social obligations in a manner responsive to public taste and changing conditions.

In the past year the industry has set about a definite plan of defense to withstand the assaults of outside raiding parties who periodically swoop down seeking plunder. The industry has stated its position in the past that it is prepared to do business in a business-like way and upon economic grounds, but it no longer will continue to be victim to the whims of monopoly and pistol-point pressure. As we go into the New Year it reiterates its position, this time through the stronger voice of an aroused and a united industry.

In extending my New Year's greeting, let me congratulate each and every one in each and every station whose combined work and energy continues to make American radio preeminently the finest broadcasting service in the world.

Neville Miller

Broadcast Music, Inc.

Neville Miller next week will start his second long trip in behalf of Broadcast Music, Inc. The trip will carry him from New Orleans to Portland, Ore., starting with a District 6 meeting at the Roosevelt Hotel in New Orleans next Wednesday, January 3. On Friday he will meet with District 13 broadcasters at the Baker Hotel in Dallas, Tex. From there he will go to the West Coast.

Again the NAB emphasizes the importance of attending these meetings. Only through support of Broadcast Music, Inc., will the industry be able to shake off the chains of a music monopoly. Members should see that non-members in their area attend. Unanimous support is needed.

RADIO IN 1940 CENSUS

The NAB has kept in current contact with the Bureau of the Census since June 1938, in an effort to keep before that body the need for the inclusion of radio questions in the 1940 Census. At the last session of Congress a bill was passed providing for a Census of Housing. The Bureau of the Census has prepared its Housing Schedule and the radio question is included on the form.

The exact question is as follows, "Is there a radio in this dwelling unit? Yes —— No ——". The appropriation needed for conducting the Housing Census will probably be up for Congressional approval in the first Deficiency Bill. However there is every assurance that the $8,000,000 needed will be appropriated.

The inclusion of the radio question in the Housing Schedule has resulted in the elimination of a radio question from the Agricultural Schedule although the Agricultural Census Advisory Committee was favorably disposed to the suggestion of expanding the radio question to determine the number of radios on each farm and the number of automobiles equipped with radio receivers.

On December 13 a conference of those interested in the inclusion of radio questions in the Census met in the office of John H. Payne, Chief, Electrical Division, Bureau of Foreign and Domestic Commerce. As a result of this conference the letter to Dr. William L. Austin, Director of the Bureau of the Census which follows, was prepared.

It will be noted that the question of auto radio equipment was not referred to. The reason is that the Housing and Population Censuses do not include questions on automobile ownership and obviously the question of auto radio ownership could not be logically included. The letter to Dr. Austin, signed by Mr. Payne follows:

"December 14, 1939

Dr. William L. Austin
Director, Bureau of the Census
Department of Commerce
Washington, D. C.

Dear Dr. Austin:

At a conference held in the offices of the Bureau of Foreign and Domestic Commerce on Wednesday, December 13, 1939, representatives of the government and of the radio industry considered appropriate questions which it is hoped may be included in the Housing Schedule of the Bureau of the Census. The conference was attended by representatives of the following:

Department of State
Bureau of Foreign and Domestic Commerce
Federal Communications Commission
U. S. Office of Education
Federal Radio Education Committee
National Association of Broadcasters
Radio Manufacturers Association

In view of the social significance of radio as a medium of mass communication for national and international cultural development, for national defense, and for purposes of regulation, it was unanimously agreed that—

1. The Bureau of the Census be commended for including Question 22 under Section V of the Housing Schedule which now reads, "Is there a radio in this dwelling unit?"

If the Bureau of the Census feels that it must restrict the inquiry to the above questions, we recommend the instructions be amended to read as follows:

Instructions—Item 22

Enter "yes" if there is a usable radio in this dwelling unit (include any set out of repair not exceeding six months). When there is no usable radio set in this dwelling unit, enter "no". Except for trailers used as dwelling units, no account shall be taken of radio sets installed in automobiles.

2. The conferees are unanimously agreed that if the radio questions must be limited to one, it should preferably be worded as follows: "How many usable radio sets are in this dwelling unit?"—with only one square instead of two for the answer, and with instructions to the Census enumerators as follows:

Instructions—Item 22 (revised)

Enter in the square provided for answer the number of usable radio sets in the dwelling unit (include any set out of repair not exceeding six months). Except for trailers used as dwelling units, no account shall be taken of the number of radio sets installed in automobiles. Should there be no usable radio set in this dwelling unit, enter "0" in the square provided for answering this question.

3. The conferees are further unanimously agreed that, in view of the great social significance attending the reception of foreign broadcasts, it is highly desirable to add the following question: "Is a radio set in this dwelling unit usable for listening *directly to* international short wave broadcasts?" Yes — No —— with instructions to Census enumerators as follows:

Instructions

". . . Listening *directly* to international short wave broadcasts" refers to reception directly from Asia, Africa, Europe, or South America, which is heard through the medium of short waves. If these broadcasts are heard only through local United States stations, the answer should be "no".

While the conferees strongly recommend the above procedure and are submitting this letter as a matter of information, it is the intention that the appropriate heads of the various agencies mentioned above will write to you directly, expressing their views regarding this recommendation.

The agencies represented hold themselves in readiness for conference with you or those in your Bureau whom you may delegate to consider this subject.

Sincerely yours,
John H. Payne,
for the Conferees
(Chief, Electrical Division)

In addition to Mr. Payne's communication, Dr. Austin received the following from Neville Miller:

December 22, 1939

Dr. William L. Austin, Director
Bureau of the Census
Department of Commerce
Washington, D. C.

Dear Dr. Austin:

With regard to the communication you received from John H. Payne under date of December 14th reporting conference of those parties interested in the inclusion of radio questions in the 1940 Census, I would like to call to your attention some significant facts on the subject.

Mr. Payne mentioned that the Department of State, Bureau of Foreign and Domestic Commerce, the Federal Communications Commission, the United States Office of Education, the Federal Radio Education Committee, the Radio Manufacturers Association and our own Association, came together in unanimous accord on the points covered in the letter. In addition to those mentioned, the Chief Signal Officer of the United States Army is likewise concerned. Although he was unable to attend the conference on December 13th, I am informed he will communicate with you directly.

The interests of the above mentioned parties must be obvious to you. However, I would like to restate the position of the National Association of Broadcasters in the matter.

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As you know, broadcasting in the United States is a commercial enterprise in that the cost of broadcasting is paid for from advertising revenue. But radio broadcasting is more than a commercial enterprise. Radio is charged by Federal statute to operate "in public interest, convenience and necessity".

What is the "public interest, convenience and necessity" of our 130,000,000 fellow citizens? Certainly it differs as between those who live in rural areas and those who live in urban America. Again, it is divided up into different and interchangeable conditions of life, socially, educationally, religiously, politically and economically.

The broadcasting industry has interpreted that specification in law to mean that it must render a social service to the public. The social problem of broadcasting arises out of the fact that radio cuts across barriers of time and distance and society, and reaches all people at the same time.

In order intelligently to operate the broadcasting industry "in public interest, convenience and necessity" it is essential that we know the facilities for listening, which is the number and distribution of radio sets. We are requesting that you make a Census count of the number of radio sets located in homes in your 1940 Census in accordance with the suggestions in Mr. John H. Payne's communication of December 14th.

Sincerely yours,
Neville Miller

Although no reply has been received from Dr. Austin, it is understood that the Census Bureau will not act favorably on these recommendations but will retain the single radio question, "Is there a radio in this dwelling unit?".

FUTURE RADIO FAMILY ESTIMATES

NAB is undertaking to devise a plan whereby yearly estimates of the number of radio families by state and county can be made. It is also hoped that these estimates can be expanded to include all radio receivers—extra sets in homes, auto radios, receivers in institutions and in places of business and that some permanent arrangement can be made to develop this basic information in its most usable form to the NAB membership.

"Radio's Riches" Commended Throughout Country

From east, west, north and south member stations have expressed approval of "Radio's Riches", the industry's 1940 best seller.

Harry R. Spence, KXRO, Aberdeen, Wash., said it all in two sentences when he wrote: " 'Radio's Riches' is one of the finest public relations mailing pieces I have ever seen. You have done a bang-up job and are certainly to be congratulated".

Despite the fact that Mr. Spence takes in a lot of territory, "Radio's Riches" was carefully thought out. It is intended to meet conditions of 1940 and it is sincerely believed that its wide distribution will benefit every radio station.

In making up your mailing list, make sure that a copy of "Radio's Riches" is sent to every leader of thought in your community, to the officers and members of the various clubs, civic groups, PTA and other educational groups as well as to business leaders, owners and officers of business establishments.

Your sample copy with prices was mailed during the Christmas rush and was probably delayed because it was sent fourth class. But everything should be in your hands by this time. As soon as convenient may we have your requirements?

FORTY-FOUR MILLION SETS

The quality of present day radio programs and remarkably efficient new radio sets combined to make things easier for Santa Claus this past Christmas.

After making his rounds he brough the total of active receivers in the United States to approximately 44 million according to Paul Peter, NAB director of research.

Newspapers are keenly cognizant of the forward strides made by the radio industry this year. On December 17, the Bridgeport, Conn., Post published a ten inch editorial under the caption, "Radio". Said the Post in part:

"One of the surprising developments of the current season, and yet one which probably is not particularly attracting public attention is the number and variety of radios which are now being offered in retail stores . . . . Radios are engaging the public's attention perhaps more than ever before, because, with surprising few exceptions, they are remarkably efficient.

"The quality of programs now being offered also has a great deal to do with it.

"This year, Santa Claus should have no trouble at all, so far as radios are concerned."

The net result of the NAB Radio Christmas promotion is to have helped establish the broadcasting industry in its strongest position thus far in its history. Circulation is at an all time high.

PITTSBURGH "RADIO CHRISTMAS" GOES OVER WITH A BANG

Right now "Grant 1630" is Pittsburgh's most famous telephone number.

It was planned that way by KDKA, KQV, WJAS, and WWSW, The Pittsburgh Post-Gazette, and the Radio Servicemens Association. From more than a thousand homes that number was called to announce the gift of more than twelve hundred radio sets, to be rehabilitated by the Servicemen, and distributed at Christmas time by the Federation of Social Agencies.

W. B. McGill, KDKA's director of promotion, gave most of his time for a couple of weeks to Pittsburgh's Christmas promotion.

"It is the general feeling among radio men participating," he said, "that the plan has unusual merit and advantages to all branches of the radio industry locally.

"We feel, first, that it gives us a fraternal spirit of good neighborliness; second, that it has tremendous potentialities for building good will with the public; third, that it solidifies and improves our contact all around."

Santa's Radio Workshop, where all radio sets were repaired, was located in the lobby of the Grant Building, one of Pittsburgh's finest office buildings. In the beginning four unemployed radio servicemen worked on an eight hour shift. This was later increased to a double shift with many hours of overtime for additional men. Pay roll expenses were met with funds secured from radio jobbers and distributors by the servicemen. In addition they secured large contributions of necessary parts from parts distributors, and they personally donated one thousand radio tubes.

Special events exploited Santa's Radio Workshop such as the personal appearance of the radio personalities who sang Christmas carols. An interview with Santa Claus himself from the lobby workshop was broadcast over a special four station hookup.

KDKA, on December 14, devoted its half hour "Pittsburgh Speaks" program to the idea. A team of RSA men competed with a team from WWSW, KQV, WJAS, and the Pittsburgh Post-Gazette in a quiz program, the questions of which were slanted to bring out salient bits of information pertaining to Radio Christmas. Other similar programs on other stations were broadcast.

HIGH FREQUENCY HEARING

Details of the informal hearing to be held at the Federal Communications Commission February 28 in the matter of aural broadcasting on frequencies above 25,000 kilocycles just became available at the Commission this week as follows:

> Notice is hereby given of the informal hearing before the Commission en banc to be held at the office of the Commission, Washington, D. C., beginning at 10 a. m., February 28, 1940, for the purpose of determining:
>
> (1) Whether aural broadcasting on the frequencies above 25,000 kc. has reached such a stage of development that it is acceptable for rendering regular as distinguished from experimental broadcast service to the public;
>
> (2) The relative merits of frequency modulation and amplitude modulation when employed for aural broadcasting on frequencies above 25,000 kc.;

(3) The relative merits of wide band and narrow band frequency modulation when employed for aural broadcasting on frequencies above 25,000 kc.;

(4) Whether it is possible to allocate sufficient frequencies to accommodate stations employing frequency modulation (narrow or wide band) to provide a satisfactory program service in the United States when considered in the light of the frequency needs of other services, including television, Government, aviation, police, common carrier, amateur, etc.;

(5) Whether it is possible to allocate sufficient frequencies to accommodate stations employing amplitude modulation to provide a satisfactory program service in the United States when considered in the light of the frequency needs of other services, including television, Government, aviation, police, common carrier, amateur, etc.;

(6) Whether it would be practicable for the Commission to authorize both amplitude and frequency modulation for aural broadcasting stations operating on frequencies above 25,000 kc., or whether the Commission should recognize but one of these forms of modulation for such stations;

(7) The possible future effects of ultra high frequency broadcasting upon standard broadcasting on the band 550-1600 kc.;

(8) Whether existing allocations of frequencies above 25,000 kc. to particular services shall be modified to provide frequencies for aural broadcasting;

(9) The existing patent situation respecting frequency modulation and amplitude modulation for aural broadcasting stations operating on frequencies above 25,000 kc.

The Commission desires to expedite consideration of the foregoing matters as much as possible so that policies may be formulated for the future licensing of applicants in the aural broadcast field utilizing frequencies above 25,000 kc. However, it is to be noted that no individual applications will be considered at the hearing.

The Commission considers that technical developments in the use of ultra high frequencies for aural broadcasting are sufficient to require consideration of the numerous questions involved, and persons appearing at the hearing should submit data obtained from actual tests and operations and thereby avoid speculative testimony as much as possible. If for the purpose of obtaining additional data for presentation at the hearing, operation not permissible under the outstanding authorization is necessary, then requests for special authorization to carry out such tests will receive the Commission's prompt attention.

Should any party desire to expand the matters herein listed for consideration, application should be made to the Commission for such purpose as soon as possible and not later than February 1, 1940.

Except with the permission of the Chairman, cross examination of each witness will be limited to questions by Commissioners or members of the Commission's technical and legal staffs.

Persons or organizations desiring to appear and testify will notify the Commission of such intention on or before February 1, 1940. In such notification the number of witnesses that will appear, the topic each will discuss and the time expected to be occupied by each witness should be stated. This information is necessary in order to more effectively organize the hearing.

If it is intended to submit written statements, drawings, etc., in connection with the testimony to be given, it is required that ten copies of the same be submitted to the Commission on or before February 23, 1940.

The Commission directed that this notice be published in the Federal Register.

Dated at Washington, D. C., December 27, 1939.

FEDERAL COMMUNICATIONS COMMISSION.

T. J. Slowie,
Secretary.

FEDERAL TRADE COMMISSION REPORTS ON BROADCAST ADVERTISING

False and misleading advertising matter as published in newspapers, magazines, catalogues, and almanacs and as broadcast over the radio is surveyed and scrutinized by the Federal Trade Commission's Radio and Periodical Division. Discussing the radio phase in its annual report just made public the Commission says:

> *Radio advertising.*—The Commission, in its systematic review of advertising copy broadcast over the radio, issues calls to individual radio stations, generally at the rate of 4 times yearly for each station. However, the frequency of calls to individual broadcasters is varied from time to time, dependent principally upon transmittal power, the service radius or area of specific stations, and the advertising record of certain types of stations, as disclosed in analyses of previous advertising reviews.
>
> National and regional networks respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.
>
> Producers of electrical transcription recordings submit monthly returns of typed copies of the commercial portions of all recordings produced by them for radio broadcast. This material is supplemented by periodical reports from individual stations listing the programs of recorded commercial transcriptions and other essential data.
>
> The combined radio material received furnishes representative and specific information on the character of current broadcast advertising which is proving of great value in the efforts to prevent false and misleading representations.
>
> During the fiscal year ended June 30, 1939, the Commission received 626,293 copies of commercial radio broadcast continuities, amounting to 1,384,448 pages of typewritten script. These comprised 860,908 pages of individual station script and 523,540 pages of network script.
>
> The staff read and marked 643,796 commercial radio broadcast continuities, amounting to 1,384,353 pages of typewritten script. These comprised 492,540 pages of network script and 891,813 pages of individual station script. An average of 4,539 pages of radio script were read each working day. From this material 29,143 commercial broadcasts were marked for further study as containing representations that might be false or misleading. The 29,143 questioned commercial continuities provided current specimens for check with existing advertising cases as to their compliance with actions, stipulations, and orders of the Commission, in addition to forming the bases for prospective cases which may not have previously been set aside for investigation.
>
> *Cooperation of radio and publishing industries.*—In general, the Commission has received the helpful cooperation of nationwide and regional networks, and transcription producers, in addition to that of some 616 active commercial radio stations, 457 newspaper publishers, and 533 publishers of magazines and farm journals, and has observed an interested desire on the part of such broadcasters and publishers to aid in the elimination of false, misleading, and deceptive advertising.
>
> *Source of Radio and Periodical Division's cases.*—Examination of current newspaper, magazine, radio, and direct mail order house advertising, in the manner described, has provided the basis for 75 percent of the cases handled by the Commission through its Radio and Periodical Division during the fiscal year ended June 30, 1939. Information received from other sources or referred from other divisions of the Commission, and from other Government agencies, formed the basis of the remainder of this work.

HEARING ON TELEVISION RULES

The FCC has adopted, with minor modifications, the rules recommended in the Second Report of the Television Committee, made public in November.

The Commission set the matter of the proposed rules down for public hearing at the office of the Commission at 10 a. m., Monday, January 15.

All interested parties desiring to be heard should give proper notice to the Commission not later than January 10. Each party is requested to cite the specific rules or other specific recommendations of the Committee to which exception will be taken, and list the witnesses desiring to be heard, and estimate the amount of time desired for such participation.

The rules:

Part 4. Visual Broadcast Service

Sec.
4.61 Defined

Television Broadcast Stations

4.71 Defined
4.72 Licensing requirements, necessary showing
4.73 Operation
4.74 Frequency assignment
4.75 Power
4.76 Supplemental report with renewal application

Facsimile Broadcast Stations

4.91 Defined
4.92 Licening requirements
4.93 Charges prohibited; restrictions
4.94 Frequency assignment
4.95 Power
4.96 Supplemental report with renewal application

Sec. 4.61. *Defined.* The term "visual broadcast service" means a service rendered by stations broadcasting images for general public reception. There are two general classes of stations recognized in the visual broadcast service, namely; television broadcast stations and facsimile broadcast stations.

Sec. 4.71. *Defined.* The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of the synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast as herein set forth.

(a) There shall be two types of experimental television stations, namely, "Experimental Research Stations" and "Experimental Program Stations" which shall be known as Class I and Class II stations, respectively.

Sec. 4.72. *Licensing requirements, necessary showing.*

(a) A license for a television Class I station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation in the technical phases of television broadcasting, not requiring a service directly to the public, which indicates reasonable promise of substantial contribution to the development of the television art.
2. That the program of research and experimentation will be conducted by qualified personnel.
3. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
4. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

(b) A license for a Class II station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of experimentation in the television broadcast service including scheduled programs which indicates reasonable promise of substantial contribution to the advancement of television broadcasting as a service to the public.
2. That the program of experimentation will be conducted by qualified personnel.

* 3. That a minimum scheduled program service of five hours per week will be maintained throughout the license period.

4. That program material is available and will be utilized by the applicant in rendering broadcast service to the public.
5. That the applicant will install and operate adequate transmitting and studio equipment to render a satisfactory service to the public within the designated service area and with the television transmission standards recognized by the Commission for Class II television stations.

**6. That the operation with respect to fidelity of transmission, spurious omissions, carrier noise, safety provisions, etc., will be in accordance with the standards of good engineering practice applicable to television broadcasting stations in all phases not otherwise specifically included in these regulations.

7. That operation as proposed by the application will not result in objectionable interference to any other Class II station as determined by the standards of allocation applicable to television broadcast stations.
8. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
9. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

Sec. 4.73. *Operation:* Class I and Class II stations: Charges:

(a) No charges either direct or indirect shall be made for either the production or transmission of either aural or visual programs by Class I television stations;

(b) No charges either direct or indirect shall be made for the transmission of either aural or visual programs by Class II television stations; however, Class II television broadcast stations may make charges to cover cost of program production, including advertising material, which programs may be transmitted as an experimental program service but without charge for such transmission;

(c) Quarterly reports shall be made to the Commission by Class II television broadcast stations of the charges and costs as well as of other pertinent information which may be of assistance to the Commission in evaluating the economic feasibility of television broadcasting as a regular service to the public on a commercial basis.

(d) The offering by any person of the facilities of any television broadcast station on a regular commercial basis is prohibited. The limited commercialization permitted under subsection (b) above shall not take precedence over the experimental service, but shall in fact be subordinated to it.

Class I Stations: Scope of Experimentation, Limitations and Restrictions:

(e) Class I stations shall operate to conduct research and experimentation for the development of the television broadcast art in its technical phases but shall not operate to render regularly scheduled broadcast service to the public.

(f) Class I stations will not be required to adhere to the television transmission standards recognized by the Commission for Class II television stations.

(g) No Class I station shall operate when interference would be caused by such operation to the regularly scheduled broadcast service of a Class II station.

Class II Stations: Scope of Experimentation; Service Requirements:

(h) Class II stations shall operate to render scheduled television broadcast service for public consumption, and in connection therewith may carry out experiments with respect to program technique, determine power and antenna requirements for satisfactory broadcast service and perform all research and experimentation necessary for the advancement of television broadcasting as a service to the public.

(i) Class II stations shall operate in accordance with the television transmission standards (scanning, synchronization, etc.) which the Commission recognizes for this class of station. The Commission will recognize a modification in these standards upon a showing by the applicant proposing the changes that it will be in the public interest to require all Class II stations to adopt the proposed changes.

(j) Class II stations shall make all equipment changes necessary for rendering the external transmitter performance required by the Commission.

(k) Class II stations shall maintain a minimum scheduled program service of five hours per week throughout the license period. (The Commission may modify this minimum schedule in accordance with the showing on the merits in individual cases.)

(l) In case of failure of a Class II station to render its minimum of scheduled program service per week, the renewal of the license therefor may be refused unless it be shown that the failure of program service was due to causes beyond the control of the licensee.

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* This provision modified Section 4.4 as it applies to Class II television broadcast stations.

** The specifications for operation deemed necessary to meet the requirements of good engineering practice as applied to television stations will be published from time to time. These specifications will be altered as the art progresses and upon a showing being made that such changes are desirable in the public interest.

Sec. 4.74. *Frequency assignment.* (a) The following groups of channels are allocated for assignment to television broadcast stations licensed experimentally:

Group A

Channel #1	44,000- 50,000 kc.
2	50,000- 56,000
3	66,000- 72,000
4	78,000- 84,000
5	84,000- 90,000
6	96,000-102,000
7	102,000-108,000

Group B

Channel #8	156,000-162,000 kc.
9	162,000-168,000[1]
10	180,000-186,000
11	186,000-192,000
12	204,000-210,000
13	210,000-216,000[1]
14	234,000-240,000
15	240,000-246,000
16	258,000-264,000
17	264,000-270,000[1]
18	282,000-288,000
19	288,000-294,000

Group C

Any 6000 kc. band above 300,000 kc.
excluding band 400,000 to 401,000 kc.

(b) Each Class II television broadcast station will be assigned only one channel from Groups A or B. Class I television stations may be assigned one or more channels as the program of experimentation requires. Both aural and visual carriers with side bands for modulation are authorized but no emission shall result outside the authorized channel. The assignment of a channel to a Class II television broadcast station does not preclude the use of that channel by Class I stations although the Class II television station has priority for the use of the channel for scheduled program service.

(c) Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations and developmental mobile service. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

(d) The assignment of frequency channels in Group (A) for Class II television broadcast stations will be limited as follows:[*]

Cities whose metropolitan districts exceed 1,000,000 population	3 channels
Cities whose metropolitan districts are not less than 500,000 population or more than 1,000,000 population	2 channels
Cities whose metropolitan districts are less than 500,000 population	1 channel

(e) A license for only one Class II television station on a channel in Group A will be granted to a person to serve in whole or substantial part the same service area.

(f) No Class II television broadcast station will be assigned a channel in Group A for time sharing operation unless it is shown that the service proposed can not be rendered on a channel in Group B.

Sec. 4.75. *Power.*

(a) The operating power of a Class I station shall not be in excess of that necessary to carry forward the program of research.

(b) The operating power of a Class II station shall not be in excess of that necessary to provide adequate service to the service area designated for the station.

Sec. 4.76. *Supplemental report with renewal application.*

A supplemental report shall be filed with and made a part of each application for renewal of license and shall include comprehensive reports on the following:

(a) *For Class I Television Broadcast Stations.*

1. Number of hours operated.
2. Full data on research and experimentation conducted.
3. Conclusions, tentative and final.
4. Program for further developments of the television broadcast service.
5. All developments and major changes in equipment.
6. Any other pertinent developments.

(b) *For Class II Television Broadcast Stations.*

1. Number of hours operated during which programs were transmitted classified as studio performances, special events (with appropriate description), films, etc.
2. Studio equipment used and any developments made during the license period.
3. Progress made in the advancement of television broadcasting as a service to the public.
4. Itemized financial data on cost of operation during the license period.
5. Field intensity measurements and visual and aural observation to determine the service area of the station (required for first report only and whenever changes are made which would tend to cause a change in the service area.)

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has adopted a final order granting the application of WJBO, **Baton Rouge, La.,** to increase its power to 1000 watts, unlimited time. No exceptions were filed when the proposed findings of fact and conclusions were issued by the Commission.

The Commission has also granted the application of WAPO, **Chattanooga, Tennessee,** to change the station's assignment from **1420 kilocycles,** 100 watts night and 250 watts day, until LS, unlimited time, to **1120 kilocycles,** 500 watts night and 1000 watts day, unlimited time, employing a directional antenna at night.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases for the week beginning Monday, January 1. They are subject to change.

Wednesday, January 3

Further Hearing

NEW—Burlington Broadcasting Co., Burlington, Iowa.—C. P., **1310 kc.,** 100 watts, unlimited time.

NEW—Clinton Broadcasting Corp., Clinton, Iowa.—C. P., 1310 **kc.,** 100 watts, 250 watts LS, unlimited time.

Further Hearing Before Commissioner Thad H. Brown.

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of Station License of WSAL.

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[1] See Secs. 4.4(c) and 4.154(a).

[*] This limitation upon the use of the channels for metropolitan districts having different populations can be departed from, providing the applicant shows that no other metropolitan district would be restricted to fewer channels than provided for by the table.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

February 5

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—C. P., **780 kc.**, 250 watts, daytime.

February 26

NEW—William F. Huffman, Wisconsin Rapids, Wisc.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KBIX, Muskegon, Okla.; KEEN, Seattle; KFRO, Longview, Texas; KGIW, Alamosa, Colo.; KNOW, Austin, Texas; KPAB, Laredo, Texas; WAGF, Dothan, Ala.; WBLK, Clarksburg, W. Va.; WCBM, Baltimore, Md.; WPAR, Parkersburg, W. Va.; WHMA, Anniston, Ala.; WKBV, Richmond, Ind.; WMIN, St. Paul, Minn.; WPRA, Mayaguez, P. R.; WTMV, E. St. Louis, Ill.

Licenses for the following stations were extended upon a temporary basis only, for a period of one month from January 1 to February 1, 1940, pending determination upon application for renewal:

KGFI, Brownsville, Texas; KRE, Berkeley, Cal.; KTEM, Temple, Texas; WKAT, Miami Beach, Fla.; WMSD, Muscle Shoals City, Ala.; WPRP, Ponce, P. R.; WSVS, Buffalo, N. Y.; WTMC, Ocala, Fla.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Present license further extended on a temporary basis only, for a period of one month, from January 1 to February 1, 1940, pending determination upon application for renewal.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Present license extended upon a temporary basis only, for the period January 1 to March 1, 1940, pending receipt of and determination upon application for renewal.

MISCELLANEOUS

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (December 5:00 p. m., EST), on December 24, 1939, to 2:00 a. m., EST, on December 25, 1939, and from local sunset on December 31, 1939, to 1:00 a. m., EST, on January 1, 1940, in order to broadcast programs as described in letter dated December 5, 1939.

WJJD—WJJD, Inc., Chicago, Ill.—Denied special temporary authority to operate from 8:00 p. m. to 9:30 p. m., CST, on January 6, 8, 13, 15, 20 and 27, 1940, in order to broadcast basketball games only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 11:15 p. m., CST, December 24, 1939 to 2:00 a. m., CST, December 25, 1939, in order to broadcast the Christmas Eve services of the St. Patrick's Cathedral of Eau Claire.

WNYC—City of New York Municipal Broadcasting System, New York City.—Granted special temporary authority to operate from 8:00 p. m. to 11:00 p. m., EST, Wednesday, December 20, 1939, in order to broadcast emergency program for Finnish Relief.

W3XAD—RCA Manufacturing Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter of television broadcast (experimental) station W3XAD on television bands 18 and 19 frequency **282** and **294 mc.**, for the period December 20, 1939, to not later than January 16, 1940.

KFDY—So. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to remain silent on December 25 and January 1, in order to observe holidays.

WDMJ—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate from 1:30 to 4:30 p. m., CST, on December 25, in order to broadcast special Christmas program.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., 1 to 3 p. m. and 8 to 10 p. m., EST, on December 25 and January 1, in order to broadcast holiday programs (provided WOSU remains silent).

The Commission granted the application of the Midland National Life Insurance Company, Watertown, South Dakota, for a construction permit to erect a new station to operate on the frequency **1210 kc.**, with 250 watts power, unlimited time.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m., EST, on December 22, 1939, in order to broadcast the mass singing of Christmas Carols in the Lima Public Square.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.; and WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Issued subpoena and subpoenas to appear and produce papers in re applications for renewal of licenses scheduled to be heard on January 16 and 17, 1940. (Docket Nos. 5430 and 5788.)

WBNS—WBNS, Inc., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54, for both main and auxiliary transmitters, with certain additional power specifications.

WCLS—WCLS, Inc., Joliet, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54, with certain additional power specifications. Also granted license to cover construction permit for change in equipment and antenna, and move of transmitter; **1310 kc.**, 100 watts, specified hours.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., CST, January 2, 3, 4, 9, 10, 11, 16, 17, 30 and 31, 1940, and from 3 to 3:30 p. m., CST, January 15, 22 and 29, 1940, in order to broadcast special educational programs (provided station KGGF remains silent).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, January 18, 23 and 25, 1940, and from 8:15 to 9:15 p. m., CST, on January 24, 1940, so that WNAD may remain silent during final examinations (provided WNAD remains silent).

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 8 p. m. to 9 p. m., MST, on December 28, 1939, in order to broadcast a speech of Governor John E. Miles.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 11 p. m., December 24, 1939, to 1 a. m., December 25, 1939, CST, with power of 100 watts, in order to broadcast a Christmas Eve Carol Program direct from the Methodist Church.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted special temporary authority to operate with power of 5000 watts from 12 midnight to 1 a. m. on the morning of December 25, 1939, in order to bring the services of the Secred Heart Catholic Church to regular daytime audience.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 p. m. to 5 p. m., MST, December 25, 1939, in order to broadcast the extra Christmas program.

Joe W. Engel, Chattanooga, Tenn.—Granted petition for order to take depositions in re application for new station to operate on **1370 kc.**, 250 watts, unlimited time.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to accept amendment to application for construction permit to change night power to 5 KW; applicant also desires change in frequency from **1350 kc.** to **630 kc.**, operating with 5 KW LS, unlimited time.

Chilton Radio Corp., Dallas, Tex.—Granted petition to accept amendment to allow application to remain on hearing docket, requesting reduction in power from 250 watts to 100 watts on frequency **1370 kc.**, unlimited time.

Valley Broadcasting Co., West Point, Ga.—Granted authority to take depositions in re application for a new station to operate on **1310 kc.**, 250 watts, unlimited time, a hearing on which is scheduled for February 12, 1940.

Lookout Mountain Co. of Georgia. Lookout Mountain, Ga.—Granted petition to intervene in the hearing in re the application of Joe W. Engel for a new station in Chattanooga, Tenn., to operate on **1370 kc.**, 250 watts, unlimited time; denied petition insofar as it requests continuance of hearing on Engel application now scheduled for January 15, 1940.

Lookout Mountain Co. of Georgia. Lookout Mountain. Ga.—Granted petition to accept amendment to application for construction permit to request 250 watts instead of 100 watts night, 250 watts local sunset. operating on **1370 kc.**; and change transmitter from near Roseville to near Chattanooga.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Adopted final order (No. B-82), effective December 23, 1939, granting the application for construction permit to increase power from 500 watts to 1 KW, unlimited time; frequency **1120 kc.** (Docket No. 4908).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Adopted final order (No. B-82), effective December 23, 1939, granting the application for construction permit to change station's assignment from **1420 kc.**, 100 watts night, 250 watts day until local sunset, unlimited time, to **1120 kc.**, 500 watts power at night and 1 KW day, on an unlimited time basis. employing a directional antenna at night, subject to proof of performance in accordance with Section 3.33(b) of the Rules Governing Standard Broadcast Stations, and upon the condition that during directional operation of the antenna, the inverse distance field in the directions indicated shall not exceed the values specified (Docket No. 4909).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (December, 5:00 p. m., EST) December 24. 1939, to 2:00 a. m. on December 25. 1939, or to the conclusion of Christmas Eve Midnight Mass and from local sunset December 31, 1939, to 1:00 a. m. on January 1. 1940, in order to broadcast appropriate Christmas and New Year's programs as set forth in letter dated December 21, 1939.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:30 p. m., EST, December 24, 1939, to 1:00 a. m., EST. December 25, 1939, in order to broadcast special Christmas programs.

WEJJ—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WEJJ as a sound channel on 30-40 megacycle band in conjunction with experimental television station W3XAD for the period December 26, 1939, to January 16, 1940.

United Air Lines Transport Corp., Washington. D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp. (call letters KHAZT), as a sound channel in connection with NBC television demonstration from aircraft on December 26, with alternate days December 27 and 28.

APPLICATIONS FILED AT FCC

580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna night.

630 Kilocycles

NEW—R. E. Troxler, High Point, N. C.—Construction permit for a new broadcast station to be operated on **630 kc.**, 500 watts, daytime (Section 15c).

780 Kilocycles

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Modification of license to change frequency from **780 kc.** to **1370 kc.** and hours from daytime to unlimited. using 250 watts power.

890 Kilocycles

WJAR—The Outlet Company, Providence, R. I.—Authority to determine operating power by direct measurement of antenna power.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama College (Board of Control of Radio Broadcast Station WAPI), Birmingham, Ala.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1140 kc.** to **1050 kc.**; increase power from 5 to 50 KW, hours from simultaneous day, share KVOO night, to unlimited time; and move transmitter. Amended to request directional antenna night, non-directional day.

1150 Kilocycles

NEW—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer. d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited. Amended to change frequency from **1370 kc.** to **1150 kc.**, hours to daytime, and make antenna changes.

1160 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 10 to 50 KW and change hours from simultaneous day, share night with WWVA to unlimited. Amended: antenna changes.

1210 Kilocycles

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—License to cover construction permit (B3-P-2605) for changes in equipment, increase in power and changes in hours of operation.

NEW—Palm Radio Co., Fort Myers, Fla.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time. Amended to request facilities of WFTM.

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast B/C Co., Charleston, S. C.—Authority to determine operating power by direct measurement of antenna power.

1290 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—License to cover construction permit (B5-P-2245) as modified for a new station.

KUIN—Southern Oregon Broadcasting Co., Grants Pass. Ore.—Authority to determine operating power by direct measurement of antenna power.

WGTM—WGTM, Inc., Wilson, N. C.—License to cover construction permit (B3-P-2569) for changes in equipment and increase in power.

1370 Kilocycles

KFGQ—Boone Biblical Colege, Boone, Iowa.—Modification of license to request additional specified hours of operation. Wednesday 4 p. m. to 5 p. m. and Sunday, 7:30 p. m. to 8:30 p. m. and 11 p. m. to 12 midnight. CST.

NEW—Birney Imes, Columbus, Miss.—Construction permit for a new broadcast station on **1370 kc.**, 250 watts, unlimited time.

1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna night.

1420 Kilocycles

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Modification of construction permit (B1-P-2446) for new station requesting approval of transmitter and studio sites at 42 S. Market St., Poughkeepsie, N. Y., approval of antenna and change type of transmitter.

WPAD—Paducah Broadcasting Co., Inc., Paducah. Ky.—License to cover construction permit (B2-P-2630) for installation of new transmitter.

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—License to cover construction permit (B5-P-1967) as modified for a new broadcast station.

1500 Kilocycles

KYCA—Southwest B/C Co., Prescott, Ariz.—Modified construction permit (B5-P-865) for new station, requesting change in transmitter site from 1.9 miles from center business district to E. Gurley St., and studio from 129 N. Cortez St. to E. Gurley St., Prescott, Ariz., install new transmitter, antenna changes, increase power from 100 watts night, 250 watts day to 250 watts day and night and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KOTN—Universal B/C Corp., Pine Bluff, Ark.—Construction permit to make changes in transmitting equipment and increase in power from 100 watts to 250 watts.

NEW—Albert Joseph Meyer, Powell, Wyo.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 250 watts, unlimited time. Amended to give studio site to be determined, Powell, Wyo.

NEW—E. W. Williams, Corbin, Ky.—Construction permit for a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited time. Amended to specify transmitter site as approximately 1 mile from center of business district, Corbin, Ky.

MISCELLANEOUS

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to correct description of transmitter in accordance with new type and serial numbers recently adopted.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to correct description of transmitter in accordance with new type and serial numbers recently adopted.

KRLH—Clarence Scharbauer, Midland, Texas.—Authority to determine operating power by direct measurement of antenna power.

WAVB—Vee Bee Corp., Portable-Mobile.—License to cover construction permit (B2-PRY-117) as modified for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show cause why cease and desist orders should not be issued against them.

Air Conditioning Textiles, Inc.—A complaint has been issued against Air Conditioning Textiles, Inc., 1441 Broadway, New York, sellers and distributors of toilet preparations, charging misrepresentation. The respondent's products include a toilet soap designated variously as "Air Conditioning the Human Body" soap and as "Air Conditioning" soap.

In advertisements and by means of circulars and other printed matter, the respondent corporation allegedly represents that its products "definitely reduce body temperature", "reduce humidity by evaporation", and "eliminate perspiration objections".

Use of the term "Air Conditioning", the complaint continues, as descriptive of respondent's soap product, has the tendency to mislead purchasers into the mistaken belief that to some extent the principle of air conditioning has in some manner been incorporated into the soap and that it possesses properties contributing to human comfort not possessed by ordinary soaps. The respondent's soap possesses perfume and menthol in less than 3 per cent, but, the complaint alleges, it has no properties different from ordinary soap. (3974)

Argo Pen-Pencil Company, Inc.—See Park Row Pen Company.

Bowers Battery Mfg. Co., Inc.—See Reading Batteries, Inc.

Park Row Pen Company—Harry Sachnoff, trading as Park Row Pen Company, and Argo Pen-Pencil Company, Inc., alleged to be dominated by him, both of 220 Broadway, New York, are charged in a complaint with misrepresentation in the sale and distribution of fountain pens.

The complaint alleges that the respondents have caused to be stamped upon certain types of pen points which are used in fountain pens and combination pen-pencils, sold and distributed by them, the words "Durium, 14K gold plated, No. 8", and "Warranted Duripoint, Made in U. S. A." The complaint alleges that these pen points are made of chromium or stainless steel alloy, thinly electroplated with gold. Through the use of gold electroplating and also the designations "14K" or "14 Kt" stamped conspicuously on some of the pen points, the respondents allegedly represent directly that the points are in fact made of solid 14-carat gold, and use of the word "Durium" conveys the impression that pen points are made with some special alloy or are tipped with some special substance of unusual quality which gives them a writing quality and durability not found in other pen points. There is no metal or substance known to science or industry as "Durium", according to the complaint.

The respondents also allegedly furnish a "Life-Time Guarantee" with their pens, as follows:

> "This certifies that this Reservoir Pen is Guaranteed by us to be in perfect working order and absolutely free from any defects.
>
> "In the event of any dissatisfaction, return this Certificate with your pen, and 25¢ in stamps to us and we will adjust same or give you a new one. It is important that you return all parts of the pen sent for repair, as we will not supply new parts unless the old parts accompany the repair.
>
> "This guarantee does not cover careless or violent handling and consequent breakage."

This is in no sense a genuine lifetime guarantee, the complaint continues, as it is in fact a device whereby a defective fountain pen or combination pen-pencil may be used to sell another fountain pen or combination pen-pencil at the regular selling price or more, or as a means for selling some insignificant repair part for the price of a whole new fountain pen or pen-pencil. In order to exercise the so-called "lifetime guarantee", purchasers must pay the respondents 25 cents, which is more than the price at which the respondents sell the fountain pens or combination pen-pencils to dealers in the regular course of business. (3975)

Perrine Quality Products Corp.—See Reading Batteries, Inc.

Price Battery Corporation—See Reading Batteries, Inc.

Reading Batteries, Inc., Temple, Pa.; Bowers Battery Manufacturing Company, Inc., 629 Franklin St., Reading, Pa.; Royal Battery Corporation, Jersey Ave., New Brunswick, N. J.; Price Battery Corporation, Trenton Ave. and Ontario St., Philadelphia, and Perrine Quality Products Corporation, Waltham, Mass., have been named respondents in a complaint charging them with acts and practices constituting unfair methods of competition.

The respondents, according to the complaint, have been engaged, at their respective places of business, in the manufacture of automobile storage batteries in the low-price field. The number of storage batteries manufactured and sold by them since 1932 constituted a substantial proportion of all low-price batteries manufactured and sold in the northern and eastern portions of the United States.

The complaint charges that about August, 1937, the respondents, for the purpose of eliminating competition among themselves as to prices, discounts, terms and conditions of sale, entered into and since carried out by means of an informal association, an agreement, combination, understanding and conspiracy among themselves by which they have fixed and maintained minimum prices and uniform discounts, terms and conditions of sale for their products. The complaint also alleges that they have held meetings from time to time at which information concerning prices and terms and prospective territories and customers has been exchanged; have agreed among themselves not to deviate from these terms, and have allocated territories and prospective customers.

These acts and practices, the complaint continues, have hindered and prevented competition, and placed in respondents the power to control and enhance prices, and created in them a monopoly in the sale of lower-price automobile storage batteries in the northern and eastern portion of the United States. (3978)

Royal Battery Corporation—See Reading Batteries, Inc.

STIPULATIONS

During the past week the Commission entered into the following stipulations:

Crown Webbing Company—Charles Leitner, trading as Crown Webbing Company, 714 Broadway, New York, has agreed to cease and desist from representing on his letterheads or in trade literature or otherwise, that he is a manufacturer of elastic braids and webbings, or representing that the elastic braids and webbings sold by him are made in a plant owned or controlled by him, when such is not the fact. (2613)

Walter W. George, conducting an advertising agency at 150 Nassau St., New York, which disseminated advertisements for a tissue builder designated "Jane Cook's Wonder Tissue Creme" on behalf of Jane Cook Method, Los Angeles, will cease representing, directly or by implication in the dissemination of advertising, that such a cream will increase the size of the bust or that it will correct a flat chest, flabby or sagging bust, scrawny neck, or an underweight condition. He further agrees to cease disseminating any advertisements representing that the product is in fact a "tissue" cream, either by the inclusion of that word in the name for the product, or otherwise. (02476)

Theo. A. Kochs Company, 659 North Wells St., Chicago, in connection with the sale of its products, agrees to desist from using, directly or indirectly, the word "Chrometal" or words of similar meaning, to designate furniture or other equipment or merchandise sold by it, unless the metal of which such article is made is composed throughout of chromium or of an alloy of chromium and other metal in proportions entitling it to be properly represented and referred to as chrome metal, as understood by the trade and the purchasing public. (2614)

Physical Culture Studio—Raymond F. Biggin, doing business under the trade name Physical Culture Studio, 116 Church Road, Foxcroft, Philadelphia, engaged in selling a booklet prescribing a course of treatment for hair and scalp designated "Healthy Hair", agrees to cease and desist from representing that the "Healthy Hair" course of treatment employs a principle used by those skilled in physical culture; that the treatment, under that or other names, will feed starved or poisoned hair roots; remove poisons from hair roots, or restore new beauty and vigor to hair; that the treatment produces results when all other methods have failed, stimulates dormant circulation of the scalp, or removes incrustations and other strictures which prevent hair from growing properly. He also agrees to desist from representing that the treatment is a new or scientific discovery, is a way to avoid the risk of baldness, and that results are guaranteed. (02477)

Standard Auto Seat Cover Company—Charles A. Greenspan, trading as Standard Auto Seat Cover Company, 4147 Chestnut St., Philadelphia, in connection with the sale and distribution of auto seat covers or other merchandise, has agreed to cease and desist from representing in any way that he is the manufacturer of the goods sold by him, when he neither owns nor controls the plant or factory in which such goods are made. (2618)

Sta-Wel Belt Company—J. J. McSherry, Jr., and Dorothy Shepard, trading as The Sta-Wel Belt Co., 18 East 53d St., New York, have agreed to cease representing that an abdominal belt or binder designated "Sta-Wel Belt", or any other binder of similar design or construction, prevents seasickness and other travel sickness for all persons who use it, or that it is a "nerve control" belt, or in any other manner that it controls the nerves or inhibits nerve impulses. (02474)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Milton K. Altschul, Inc.—See Fruit & Produce Exchange.

Association of American Arts, Inc.—Four individuals formerly connected with the Association of American Arts, Inc., now dissolved, and all having had their place of business at 486 Boylston St., Boston, and operating under various trade names, have been ordered to cease and desist from misrepresentations in connection with the advertising, sale and distribution of colored or tinted photographs, enlargements having a photographic base, and frames therefor.

Individuals named as respondents are H. E. Bernie or Bernstein, otherwise known as Harry Burney or H. E. Burney; J. A. Bernie or Bernstein, otherwise known as Jack A. Burney or Jacob Bernstein; Eli Litcofsky, otherwise known as A. Davis or Alfred Davis, and Edward Ziman.

Findings of the Commission are that these respondents and their agents and representatives visited prospective customers in various States, and made various false and misleading representations.

The respondents were ordered to cease and desist from representing, through any corporate or other device, including any trade name, that colored or tinted pictures or enlargements are hand-painted or are paintings; from using the terms "pastel" or "painting" to describe photographic enlargements; from misrepresenting the actual cost of production of pictures; from representing that respondents are conducting any special or advertising campaign, unless such campaign is in fact being conducted; that any portrait will be placed on exhibition in studios or other places of display, and other similar representations; from concealing from any customers that finished pictures, when delivered, will be so shaped and designed that they can be used only in a specially-designed, odd style of frame which can be obtained from respondents only; and from retaining the original photograph loaned to the respondents for use in making a picture, unless all the terms and conditions upon which the original photograph is to be retained in connection with the purchase, are fully and adequately revealed to the purchaser at the time the photograph is obtained from him. (3409)

Bay Company—See Johnson & Johnson.

B & T Floor Company, a corporation, Columbus, Ohio, has been ordered to cease certain misrepresentations in the sale and distribution of extruded aluminum alloy trimmings and metal products designated "Chromedge".

The respondent, in catalogs, folders and other advertising matter circulated throughout the country, was found to have represented, among other things:

> "Chromedge, the brilliant solid white metal for trimming wall and floor covering materials, manufactured only by the B & T Floor Company, Columbus, Ohio."

* * * *

> "Metal. Chromedge is not a plated metal, Chromedge is manufactured from a special white metal alloy in which we have incorporated chromium, magnesium, silicon, iron, copper, etc., in such a way that it will accept and retain a brilliant, lustrous polish. Its ductility is of such a nature that it may be easily bent to fit curves and angles."

Findings of the Commission are that "Chromedge" is not a metal of superior quality having the attributes of chromium, but is, in fact, extruded aluminum alloy containing approximately 98 per cent aluminum and .20 to .30 per cent chromium.

The respondent purchases practically all its alloy, which it sells under the trade name "Chromedge", from the Aluminum Company of America, and the same alloy is sold by the Aluminum Company of America to numerous competitors of the respondent.

The Commission orders that the respondent cease and desist from representing, by use of the word "Chromedge" or similar word or words, that its extruded aluminum alloy, or any other metal not composed principally of chromium is chromium; or that "Chromedge" has the attributes of chromium or is superior in quality to extruded aluminum; that competitors' extruded aluminum alloy products are inferior to those sold under the name "Chromedge"; and, by use of the words "Manufactured only by" or words of similar import, that the respondent is the manufacturer of any product it sells, unless it actually owns or controls a manufacturing plant where the products so represented are manufactured by it. (3541)

Chase & Company—See Fruit & Produce Exchange.

Dearborn Sales Company—See Reliable Sales Company.

Fruit & Produce Exchange—Prohibiting violation of the brokerage section of the Robinson-Patman Act, an order to cease and desist has been issued against Jake Felt, trading as The Fruit and Produce Exchange, Linden Station, Memphis, Tenn., and against the following concerns which sell produce, foodstuffs and allied products to Felt: Milton K. Altschul, Inc., 264 Wholesale Terminal Building, Los Angeles; San Pat Vegetable Company, Sinton, Tex.; A. O. Kolberg, McAllen, Tex.; Albert Miller & Co., 308 West Washington St., Chicago, and Chase & Co., Sanford, Fla.

The respondent selling companies were found to be fairly representative of a large group of sellers of produce, foodstuffs and allied products which they sell to the respondent Felt and other purchasers. Such commodities, when received by the respondent, are stored in a warehouse used jointly by Jake Felt, trading as The Fruit and Produce Exchange, and by M. E. Carter & Co., of Memphis, a wholesale corporation, 84 per cent of the outstanding stock of which is owned by Felt, who is its president and a member of its board of directors, and conducts its affairs.

Findings are that the seller respondents and other sellers had paid and delivered to the respondent Felt, trading as The Fruit and Produce Exchange, so-called brokerage fees or commissions which were a certain percentage of the quoted sales prices agreed upon between each of the sellers and the respondent, or were flat commissions agreed upon between each of such sellers and Felt. It was also found that he had received and accepted such fees or commissions on commodities resold by him, under the name of The Fruit and Produce Exchange, to wholesale dealers, and on commodities resold by M. E. Carter & Co., to retail dealers, and that in connection with these transactions, the respondent Felt was the sole party at interest and neither he, trading as The Fruit and Produce Exchange, nor M. E. Carter & Co., which he controlled, rendered any services to the sellers.

It was found that in all the transactions with the sellers, the respondent Felt acted in his own interest and as a representative of M. E. Carter & Co., and that any benefits which may have accured to the seller respondents or other sellers were solely incidental to buying services performed by M. E. Carter & Co.

The Commission dismissed its complaint in this proceeding as to M. E. Carter & Co., because the record did not disclose that any brokerage or allowances in lieu thereof had been paid to that firm.

The Commission order directs the five produce concerns and their officers, representatives and employees to discontinue paying Jake Felt, individually, trading as The Fruit and Produce Exchange, or under any other name, any fee or commission as brokerage or any allowance in lieu thereof upon the purchases made by the respondent Felt without services being rendered therefor by Felt. (3765)

Gravitonic Life Ray Corporation, Inc., and Fred W. Reed, individually and as president of the corporation, St. Petersburg, Fla., have been ordered to cease and desist from misrepresentations in the sale and distribution of an electrical apparatus manufactured by the corporation and designated "Gravitonic Life Ray".

In newspapers, magazines, pamphlets and other advertising matter the respondents were found to have represented, among other things:

"The Gravitonic Life Ray now presented to the public is a wonderful discovery which promises to revolutionize the present methods of making examinations, and the treatment of practically all human ills. As the name implies this discovery is based upon the forces of gravity, the tonic of the air, and the vibrational impulses thereof in the ether surrounding the earth. All life is, or is affected by vibrations and these vibrations in the ether both build and destroy life. The Gravitonic Life Ray is the summation of all the rays which produce and support life. The Gamma Rays and all other rays which tend to destroy life, have been screened out."

* * * *

. . . "Sleeping sickness victims have been aroused, patients blinded by tic-douloureux have had sight restored, tuberculosis, stomach and gall bladder troubles have been relieved and cured; diseases of the kidneys overcome, arthritis victims relieved and cured, gland disorders corrected, likewise diabetes, tumors, prostate trouble, colds, dizziness, anemia, cancer, chronic indigestion, acute appendicitis, catarrh, colitis, dyspepsia, nervousness, spinal trouble, high blood pressure, tonsilitis, and mastoid and ear trouble have been relieved and cured."

Findings of the Commission are that these statements are misleading and untrue, and that the respondents' device is worthless and of no use in the diagnosis, cure or treatment of disease, and that it is not a discovery and will not revolutionize methods of making examinations or the treatment of practically all human ills.

The respondents are ordered to cease and desist from representing that the device is a scientific discovery or based upon any scientific foundation; that it will locate the cause or trouble of any disease; that it will cure any of the ailments or diseases named in the advertisements, or that its use will have any beneficial effect upon the human system or any beneficial value in the treatment of any disease or condition of the human body. (3451)

Johnson & Johnson, New Brunswick, N. J., The Kendall Company, Walpole, Mass., and The Bay Company, Bridgeport, Conn., have been ordered to cease and desist from unfair competitive methods in the sale of medical supplies such as gauze, bandages, bandage rolls, cotton sponges, napkins, pads, adhesives and similar products.

The Kendall Company now sells, and for more than five years, has sold through two of its subsidiary corporations, Bauer & Black, and Lewis Manufacturing Company.

Since 1933, the Commission finds the respondents have manufactured and sold 85 per cent of all such products manufactured and sold in the United States. Prior to September, 1933, the three companies were in competition with one another as to prices, according to the findings. At that time, for the purpose of eliminating price competition among themselves, the respondents entered into and have since carried out an agreement to fix and maintain uniform prices, have maintained their published prices; have communicated to one another proposed changes in the prices of the products prior to release to the trade of notice of such proposed changes, and have agreed among themselves to divide the United States into zones, for which zones they have, by agreement, fixed and maintained uniform prices for their products.

The respondents had admitted all material allegations set forth in the complaint, which were the facts found by the Commission, and had waived all intervening procedure.

The Commission ordered the respondents to cease and desist from entering into or carrying out any conspiracy, combination or undertaking to fix and maintain uniform prices in the sale of gauze, bandages, bandage rolls, cotton sponges, napkins, pads, adhesives and similar products to any and all classes and kinds of buyers; from agreeing to communicate to one another changes in prices prior to release to the trade of notice of such changes; from agreeing to maintain, and maintaining, pursuant to any such agreement, published price lists, and from agreeing to divide and dividing the United States into zones, and, with respect to such zones, fixing and maintaining uniform prices for their products. (3393)

Johnson's Lixolene Company—John C. Johnson, trading as Johnson's Lixolene Company, 4028 Hill Crest Drive, San Diego, Calif., has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of "Johnson's Lixolene," a medicinal preparation recommended for the treatment of eczema and other diseases of the skin.

Findings of the Commission are that the respondent disseminated advertisements of its product in the Untied States mails and by continuity broadcast from radio stations. In its broadcasts it represented, among other things:

> "This radio address is given by Dr. J. C. Johnson, the author of Johnson's Lixolene, 'The Safe Skin Remedy,' for the benefit of those who are interested in knowing of this new remedy which is offered in the drug stores for the relief of even the most chronic cases of eczemas. This is our third time to broadcast over this station, spreading the news about the therapeutic value of Lixolene in giving complete relief from the causes of all parasitic infections of the skin."

The Commission finds that "Johnson's Lixolene" consists essentially of a solution of salicylic acid in a diluted mixture of alcohols, together with a small amount of boric acid and a trace of methyl salicylate, and that it is neither a skin remedy nor a powerful germicide.

The respondent is ordered to cease and desist from representing that use of his preparation is a remedy or cure for eczema, acne, psoriasis, dandruff, poison ivy, seborrhea or alopecia, or has any thearpeutic value in excess of temporarily relieving the symptom of itching by reason of its mildly antiseptic and counter-irritant properties; that the preparation is a germicide; that all eczemas and other diseases of the skin are caused by parasitic infection; that the proper treatment for eczema or other skin ailments is in all cases the local application of a germicide, and that respondnent is a physician or a medical doctor, or that he has any recognized standing or reputation as a dermatologist or chemist. (3887)

Kendall Company—See Johnson & Johnson.

Albert Miller & Company—See Fruit & Produce Exchange.

National Numbering Machine Co., Inc.—Price discriminations in violation of the Robinson-Patman Act are prohibited under an order to cease and desist issued against National Numbering Machine Company, Inc., 1 Beekman St., New York.

Findings are that the respondent company sold to the American Woodtype Manufacturing Company, New York, dealer in typographic numbering machines, 100 machines at a net price of $6 each, and that about the same time it sold to the American company's competitor, Craftsman Machinery Company, Boston, 300 machines of like grade and quality at a net price of $5 a machine. The Craftsman company, it was found, resold a substantial number of the machines so purchased, at a net price of $7.50 and $8.50 for the five-wheel and six-wheel types, respectively.

The respondent was also found to have sold for resale machines of like grade and quality in quantities of five or less, to various other companies or individuals competitively engaged one with another, at net prices varying from $6 to $8 a machine.

The different prices were found to constitute discriminations in price between purchasers of the respondent's typographic numbering machines.

The order directs the respondent to cease discriminating in price, either directly or indirectly, between the Boston and the New York companies named.

The order also prohibits discrimination in price, wherever any of the sales are in interstate commerce, between different purchasers competitively engaged in the resale of the respondent's typographic numbering machines by means of price differences substantially similar to those set forth above, unless the difference between the prices paid by such purchasers make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the machines are sold or delivered. (3889)

Nutrine Candy Company, 419 West Erie St., Chicago, has been ordered to discontinue certain price discriminations in violation of the Robinson-Patman Act and the sale and distribution of candy by means of lottery methods in violation of the Federal Trade Commission Act.

This company, according to findings, sells a small line of fancy candies packed in boxes, but specializes in the sale and distribution of bulk candy directly to retailers in Wisconsin, Minnesota, Nebraska, Oklahoma, Arkansas, Tennessee, Michigan, Iowa, Indiana, Kansas, Missouri, Ohio, Kentucky, West Virginia and Western Pennsylvania.

Findings are that the respondent company maintains four separate price schedules under each of which all of its bulk candies are listed. These schedules of prices are identified by the symbols "ES" ("Eastern Syndicate" accounts), "NS" ("National Syndicate" accounts), "SS" ("Small Syndicate" accounts), and "SR" ("Small Retail" accounts) and the price for candy of like grade and quality varies according to the schedules. The "ES" schedule carries the lowest and the "SR" schedule the highest price per pound for candy of like grade and quality.

It was found that the respondent permitted its salesmen to sell items to a customer from one schedule and other items purchased by the same customer at the same time from another schedule.

This method was found to have resulted in the respondent's selling to different purchasers, competitors one with the other, candy of like grade, quality and quantity at varying prices. These price differentials were found to range from a low of $.0075 a pound to a high of $.04⅞ a pound, depending on the brand of candy so sold and purchased.

The effect of these selling methods was found to be a substantial lessening of competition between competing retailers purchasing under the high and low classifications, and a tendency to concentrate in the more favored retailers the retail sales of the respondent's products and to eliminate the bulk candy business of the less favored retailers.

Concluding that nothing appeared in the record to justify these price discriminations, the Commission ordered the Nutrine Candy Company to cease and desist from such practices or engaging in similar discriminations under like conditions.

The order also prohibits the distribution of candy so assembled that sales may be made by means of lottery devices, and the supplying of lottery devices to dealers for use in selling such candy to the consuming public. (3756)

Ransom Electric Company—Ben Ransom, trading as Ransom Electric Company, 211 Second Avenue North, Nashville, Tenn., has been ordered to cease and desist from misrepresentations in the sale and distribution of incandescent electric lamp bulbs.

The Commission finds that the respondent is engaged in importing incandescent electric lamp bulbs manufactured in Japan, and printed or marked with the words "Made in Japan". Before selling such bulbs the respondent buffed off, or otherwise removed, the words "Made in Japan". The bulbs then were placed in cartons upon which were printed the words "Made in U. S. A.", "Lednew Lamps", or "The Lednew Corporation".

The respondent also purchased for resale, the findings continue, certain electric lamp bulbs manufactured under the trade name "The Elite Lamp Service", and in advertising matter, circulars and pamphlets distributed in connection with their sale, represented: "All the E. L. S. lamps are made in conformity with the specifications of the U. S. Bureau of Standards." The Commission finds that this representation is misleading and deceptive as the United States Bureau of Standards has not adopted or promulgated any specifications for incandescent electric lamp bulbs with which the respondent's bulbs could conform.

The respondent is ordered to cease and desist from representing that lamp bulbs imported from Japan, or any other foreign country, are made or manufactured in the United States; from representing, through names of purported manufacturers placed on the cartons or containers in which bulbs are offered, that they are manufactured or made by any one other than the real manufacturer thereof, and from representing that bulbs offered for sale and sold by him conform to specifications of the United States Bureau of Standards. (3905)

Reliable Sales Company—Yale I. Glubok, trading as Reliable Sales Company, 5244 Enright Ave., St. Louis, and Sam Luber, trading as Dearborn Sales Company, 711 South Dearborn St., Chicago, have been ordered to cease and desist from use of lottery methods in the sale and distribution of their merchandise to ultimate consumers.

Reliable Sales Company, engaged in the sale and distribution of various articles of merchandise, including blankets, bedspreads, silk hose, clocks, and other novelties, mailed push cards and order blanks from its place of business to members of the public in various States, the Commission finds, and prizes in the shape of merchandise were awarded to certain purchasers by means of lottery methods.

Dearborn Sales Company, selling and distributing radios, coffee sets, and other merchandise, also distributed to the purchasing public devices commonly known as pull cards, with certain literature, instructions and order blanks through which merchandise was to be sold to ultimate purchasers by means of lottery methods.

The respondent companies were ordered by the Commission to cease and desist from supplying or placing in the hands of others push or pull cards, punch boards and other lottery devices so as to enable such persons to dispose of or sell any merchandise by lottery methods. (3278 and 3870)

San Pat Vegetable Company—See Fruit & Produce Exchange.

Shanks Laboratories—W. H. Shanks, W. J. Goggin, Clara Shanks and Jessie G. Goggin, trading as Shanks Laboratories, Columbus, Ohio, have been ordered to cease and desist from misrepresentations in connection with the sale and distribution of a medicinal preparation designated "Shanks Mange Lotion".

In circulars and other advertising matter distributed throughout various States, the Commission finds, the respondents have represented, among other things: "I have been successful in compounding a preparation to be used in the treatment of mange, eczema, cuts, sores, abscesses, etc. that over a period of 20 years * * * it has never failed to effect a rapid clearing up of all forms of skin diseases. . . ."

The Commission finds that the preparation is not a cure or remedy or a competent or effective treatment for diseases or disorders of the skin on dogs or human beings, which diseases or disorders are due to or persist because of a systemic disorder or condition.

The respondents are ordered to cease and desist from representing that "Shanks Mange Lotion" is a cure or competent treatment for eczema, abscesses, cuts or sores, or for athlete's foot or dandruff; or that the preparation is in all cases a competent treatment for itching scalp on human beings or mange on dogs or will cause hair to grow on bald spots. (3860)

Zo-Ak Company, Inc., whose principal place of business is located at 56 West 45th St., New York, has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of certain medical or pharmaceutical preparations designated as "Zo-Ak Tablets" (blue label), or "Zo-Ak for Men," and "Zo-Ak Tablets" (orange label), or "Zo-Ak for Women."

The Commission finds that the respondent represented that its preparation for men is a competent remedy or treatment for sexual debility and a stimulant for reduced virile powers, and that its tablets for women constitute a remedy or relief from the nervous symptoms due to "change of life".

Findings are that the preparation for men is not a competent remedy or treatment for sexual debility, and contains a dangerous ingredient. The recommended dosage for respondent's preparation is greatly in excess of the therapeutic dosage, and such tablets taken under conditions prescribed by respondent and under the conditions which are customary or usual may be injurious to the health of users.

The Zo-Ak Company, Inc., and its officers, agents or representatives are ordered to cease and desist from disseminating, by means of the United States mails or in commerce, any advertisement for the purpose of inducing the purchase of "Zo-Ak Tablets" representing that "Zo-Ak for Men" is a competent remedy for sexual debility or that it contains quick-acting vegetable stimulants plus essential vitamin concentrates in adequate amounts to build up health and strength, or which advertisement fails to reveal to purchasers or prospective purchasers that use of the preparations under conditions prescribed may cause injury to health, or represents that "Zo-Ak for Women" is a remedy for or affords relief from the nervous symptoms due to "change of life". (3724)

FTC CLOSES CASES

The Federal Trade Commission has closed its case against Parker-McCrory Manufacturing Company, 2609 Walnut St., Kansas City, Mo., manufacturer and distributor of radio sets and parts and mechanical devices, it appearing that the respondent company has agreed to discontinue the misleading representations alleged and to abide by the rules of fair trade practice for the radio receiving set manufacturing industry, promulgated by the Commission July 22, 1939.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

The Commission has also closed without prejudice its case against Piel Brothers Starch Company, Indianapolis, which was charged with price discrimination in violation of the Robinson-Patman Act in the sale of corn products. The case was closed without prejudice because it appeared that voluntary liquidation of the respondent corporation is in process.

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